...sponse to the White Paper on The Planning Act and the draft Planning Act, 1979

Government of Ontario

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RESPONSE TO THE WHITE PAPER ON THE PLANNING ACT AND THE DRAFT PLANNING ACT, 1979

Ministry of Municipal Affairs and Housing
October, 1981

Introduction

This report summarizes the large number of wide-ranging submissions that have been received since the publication of the White Paper on The Planning Act in May, 1979 and the proposed new Draft Planning Act which was released in December 1979.

A full list of all the submissions received is included as an appendix to this report but can be summarized as follows:

Responses

Regional Municipalities	13
Counties	13
Local Municipalities	123
C of A/LDC	13
Conservation Authorities	3
School Boards	41
Planning Boards	25
Other Associations	86
Individuals	30
Total	347

This extensive consultation exercise represents the third occasion during the review of The Planning Act that outside input has been sought: initially briefs were requested by The Planning Act Review Committee on the adequacy of the present municipal planning process, and then following publication of the Report of

The Planning Act Review Committee in June 1977, the Minister of Housing asked for responses to the Committee's recommendations for change.

These three sets of submissions have formed an integral part of the material upon which the final draft of the Act is based, and it will be clear to those comparing the initial draft Act published in December 1979 to the version introduced for first reading in the Legislature, that a great many of the requests and concerns raised have been heeded and the proposed legislation revised accordingly.

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SUMMARY OF MAJOR CONCERNS

Since the release of the Draft Planning Act in December 1979, approximately 350 submissions have been received, representing a wide variety of interest groups, from participants in the Ontario land use planning process. Throughout our review and analysis of these submissions, a number of the provisions set out in the draft legislation were of concern to many respondents. The following briefly highlights those sections of the Draft Act which were repeatedly addressed in the submissions. A detailed review of each matter appears in the main body of this report.

1. Nature of Provincial Interest - (PART I: SECTION 2)

   There was clear support for defining the areas of provincial interest, however, it was felt that the draft legislation required more precise definitions than those proposed. It was generally agreed that the section, as drafted, would allow the Province to intervene in <u>any</u> municipal planning matter which was not felt to be in keeping with the spirit of the White Paper.

2. Policy Statements - (PART I: SECTION 3)

   The concept of policy statements received wide support. The main concern expressed in a number of briefs was that there be municipal consultation before the statements are finalized. No consensus emerged regarding the manner in which this consultation should occur.

3. Delegation of Minister's Authority - (PART I: SECTION 4)

A general dissatisfaction was expressed with the difference between the provisions of section 4 and delegation in practice. The opinion was held that the criteria for delegation should be placed in the Act with automatic delegation upon request to any municipality that meets the criteria.

4. Matters to be Addressed in Official Plan - (PART III: SECTION 16)

There was considerable concern regarding this section and the definition of official plan in section 1(h), wherein the two sections focus the plan on physical matters with "regard" being had to social, economic and environmental matters. The major concern with the intended focus was that an official plan should provide for the development of a total community and not simply its physical structure.

5. Procedures for Preparation, Adoption, Approval of Plans (and Zoning By-laws) - (PART III: SECTION 17 and PART V: SECTION 34)

Two major concerns emerged regarding the newly created system for processing official plans and zoning by-laws. The first involves the general notification, hearing and appeal procedures which are centred around the required municipal meeting. It was widely believed that this system would result in longer approval times than presently exist, and that the loss of full appellant status to those who did not attend the public meeting represented a denial of natural justice.

The second concern relates to the final disposition of an appeal. It was generally felt that matters identified as being of provincial interest should be decided by either the OMB or Cabinet but not a single Minister of the Crown.

6. Minister May Request Amendment to Official Plan - (PART III: SECTION 23)

Many of the briefs submitted were of the opinion that the powers conferred on the Minister by this section were too wide. It was strongly felt that the Minister should be able to request an amendment to an Official Plan only in conformity with existing provincial policy statements.

7. Conformity of By-laws and Public Works - (PART III: SECTION 24)

The concern with respect to this section revolved around the term "generally conform". It was observed by many that, if the intention behind the use of the term was to provide for flexibility in interpretation, this could be more effectively achieved in the drafting of the official plan itself. Respondents requested that the "conformity" requirement remain unqualified.

8. Review of Plan - (PART III: SECTION 26)

Many submissions opposed the provision requiring a mandatory review of a municipal official plan every five years. A need was felt for an on-going or periodic review rather than one within a strict statutory timeframe.

9. Effect of Upper-tier Plans - (PART III: SECTION 27)

A substantial number of briefs opposed the provisions of this section as they were concerned about encroachment into local autonomy and potential conflict between lower and upper-tier municipalities. It was widely felt that the section would be difficult to implement without a clearer delineation in the Act of the difference between upper-tier and local official plans.

10. Land Reserved for Public Purposes - (PART V: SECTION 41)

The majority of responses were from school boards who opposed the Draft Act provisions and requested elimination or reduction of the 10% deposit and extension of the three year acquisition period to at least five years.

11. Amortization By-laws - (PART V: SECTION 42)

This section received strong opposition with the main criticism being that the proposed provisions represent an infringement on private property rights.

12. Subdivision Control - (PART VI: SECTION 50)

The removal of consent approval authority from lower-tier to upper-tier municipalities was opposed by both upper and lower-tier submissions. Retention of the existing system was favoured.

13. Plans of Subdivision and Consents - (PART VI: SECTION 52 and SECTION 54)

There was dissatisfaction to leaving notification

of subdivision plans and consents to the municipality's discretion. It was requested that notification be required.

14. Ontario Hydro Exemption - (PART VII: SECTION 63)

The majority of responses were opposed to Hydro's exemption under any circumstances.

15. Development Standards - (PART VII: SECTION 69)

Many responses opposed the setting of development standards by the Province, as they are viewed as a municipal responsibility.

Section 1: Definitions

This section sets out the definitions required for the interpretation of the Draft Planning Act.

Many briefs commented on this section, focussing their attention on suggested wording changes and additions that should be made to the various definitions.

A comment repeated often was that all of the definitions contained in several parts of the draft Act should be consolidated and placed in section 1.

The following terms were most often suggested for inclusion in the definitions: person, conservation, planning officer, policy statement, policy guidelines and upper-tier.

In terms of the individual definitions the following concerns were noted:

1(c)	"local board"	- this definition should include conservation authorities
1(d)	"local municipality"	- add "borough, separated town improvement district" to the definition
1(g)	"municipality"	- "The use of the words "local municipality" and "municipality" in the draft Act results

		in considerable confusion. It would be clearer to refer to "local municipality" and "upper-tier municipality" in the Act".
1(j)	"public work"	- "The definition of "public work" should include school boards, local boards, and local commissions such as police commissions, municipal airport commissions, public utility commissions and health boards".

PART I: PROVINCIAL ADMINISTRATION

This part of the Draft Planning Act represents a new addition to planning legislation in Ontario. The role of the Province is formally defined in terms of matters of provincial interest, implementation procedures, general administration and delegation of approval functions. The new provisions, combined with matters retained from the present Act, implement a major concept enunciated in both the PARC and White Paper Reports.

Section 2: Nature of Provincial Interest

The introduction of this new section to the draft Act generated substantial and varied response. Municipalities were particularly interested in the interpretation and administration of this section and constituted the majority of respondents.

Although there was qualified support for establishing provincial planning interests, most briefs suggested that the legislation as drafted was too vague and required clearer definitions. The phrase "among other matters" was objected to strongly as "there is no need to specify some of the reasons for possible intervention with such a broad clause". Due to the discretion implied in that phrase, many briefs requested its deletion.

> "The role of the Province is not sufficiently clearly enunciated and as a result there could continue to be excessive intervention in local affairs. The wording would allow the Province to enter virtually any aspect of municipal planning which is not within the spirit of the White Paper."

This statement represents the general tenor of comments submitted regarding this section. Many briefs agreed that the provincial interest should be more detailed by way of policy statements, guidelines and regulations and that only on the basis of such documents should there be any provincial action. It was further suggested that municipalities should comment on any document that defines these interests before it becomes effective.

Other general comments made were:

. "The provincial interests have been defined vaguely with narrow scope. The list of provincial interests focusses almost exclusively on the physical development of the Province and its municipalities."

. "The Minister should clarify the status of conservation authority programs and policies within the context of the term "provincial interest"."

. "The Ontario Government should prepare a provincial plan to establish an overall development strategy for Ontario and includes an implementation strategy that establishes financial incentives or restraints to ensure that the plan's objectives are achieved."

In terms of the specific provincial interests, a number of respondents, mainly municipalities, asked for the deletion of 2(a) and 2 (c). Both of these subsections were viewed as being matters entirely of local concern. Subsection 2(b) was supported with the suggested addition that it include "flood plains" and "the protection

of agricultural land". A few responses felt that subsection 2(e) should be reworded to read; "the adequate supply and efficient use of energy". The remainder of the items were generally supported.

Section 3: Policy Statements

This section, which sets out the mechanism to detail specific matters of provincial interest was of concern to many municipal respondents. Again, qualified support was expressed, with questions centering around the procedures that would be used to issue these statements.

Many responses called for mandatory consultation with municipalities and affected parties, prior to the finalization of any policy statement. Some suggested that input be obtained during the policy statement preparation, while others requested that draft statements be submitted to municipalities for comment. A few responses felt that where conflict over a policy statement existed, an independent body (presumably the O.M.B.) should decide on the matter.

The manner in which policy statements should be issued, received a great deal of comment although no consensus emerged. It was widely felt, however, that notification and/or publication of a policy statement take place prior to final adoption and that the approved policy statements be lodged with every municipality affected. Other suggestions included final approval of policy statements by the Legislature, Cabinet and O.M.B., rather than adoption by one or two Ministers.

Section 4: Delegation of Minister's Authority

Although this section re-enacts provisions in the existing Act, the present policy for delegation of Minister's powers will be broadened to include counties and cities located outside restructured regional-type municipalities as stated in conclusion #3 of the White Paper. Although a number of municipalities supported this expansion of delegation of powers, many more respondents felt that the legislation did not go far enough. The following comment typifies this feeling:

> "Delegation of the Minister's authority should occur to any municipality upon request of the council. Both local municipalities and upper-tier municipalities should be eligible to receive delegated authority for subdivision and condominium plan approval, and for granting consents."

This position was supported by both local and upper-tier municipalities who felt that the draft legislation was inconsistent in permitting the delegation of powers to counties, separated towns and cities outside upper-tier municipalities, but prohibiting delegation to large municipalities located within a two-tier system.

Many responses suggested that the criteria for delegation should be set out in the Act itself, rather than simply being a "policy". Municipalities in Northern Ontario and rural areas felt that municipalities who employed planning consultants on a retainer basis should qualify for delegated powers.

It was also felt that the Minister should not have unilateral and arbitrary powers to withdraw delegated authority, and that when powers are withdrawn the Minister should be required to state reasons.

Section 5: Further Delegation by Municipalities

Not surprisingly the main support for this came from municipalities. The following matters were raised:

- clear provision should be made in this section for the establishment of planning advisory bodies
- regions and counties should be able to delegate any of their authority to local municipalities
- the "appointed officer" indicated in subsection (1) should be defined more precisely (i.e. clerk, planning officer)
- delegation of powers to an appointed officer should not be permitted.

Section 6: Consultation on Public Works

There was little comment on this section. Of those that did respond, some municipalities supported this new section of the draft Act, while others asked that all provincial facilities be subject to municipal planning control, especially buildings which are not site specific (e.g. L.C.B.O. outlets). Neither of the positions taken offered additional information to support their arguments.

A number of submissions asked for clarification and the following matters were most often questioned.

- are conservation authority projects provincial and therefore exempt from municipal control?
- is consultation mandatory or discretionary?

Section 7: Power to Make Grants

A few submissions on this section suggested that the province should make funds available to municipalities to help them assume the additional workload that might result from the draft Act. It was also felt that the draft legislation is worded too specifically and should be broadened to enable funding to parties outside of municipal government (e.g. universities, school boards).

PART II: LOCAL PLANNING ADMINISTRATION

Part II sets out the provisions for planning that are not carried out directly by municipal council under provisions in other sections of the Act. Much of the part involves planning between municipalities and the special provision for joint planning in Northern Ontario.

Section 8: Planning Between Municipalities

Section 8 provides for the establishment of voluntary joint planning boards, between two or more municipalities Although this proposal was generally accepted, some municipalities within regions wanted to be able to engage in joint planning under the powers of this section. This is not within the intent of the proposal.

Many requests were made for the retention of a planning board for a single municipality. In many cases it was apparently not understood that advisory bodies could be appointed to take on many of the traditional functions of planning boards without making specific legislative provisions for them.

Section 9: Joint Planning in Northern Ontario

There were mixed comments on this section, the points being made that:

- joint planning should be voluntary just as it is in Southern Ontario

- a regional planning commission would be better

- the current problems with organized/unorganized portions would continue

- the Province should fund joint planning in the North

- small municipalities should be allowed to have a joint planning board member that is not elected.

Section 10: Planning in Unorganized Territory

The few comments on this section expressed general support, except for one brief which did not want the Minister to force planning onto unorganized territory.

Section 11 and 12: Composition of Planning Boards, Budgets

General agreement. It was questioned if the secretary-treasurer, in section 11(3) could be a member of the board (as mentioned in section 44(8) regarding the committee of adjustment).

Section 13: Power to Make Grants

The few comments on this section expressed agreement.

Section 14: Duties of Planning Board

Although these provisions were generally supported, a few briefs wanted greater flexibility for joint boards to provide advice and assistance as well as preparation of planning studies.

Section 15: Planning Functions of Upper-Tier Municipalities

A very few local municipalities objected generally to upper-tier planning. Other did not seem to grasp that

the assumption of local functions could only occur if the local municipality agreed. Most comments expressed the view that this section was confusing because it did not mention that upper-tier municipalities have additional powers under the draft Act (e.g. preparation of official plans) and other planning powers via special legislation. In this regard it was suggested that the title be altered to "Assumption of Local Planning Function by Upper-tier Municipalities".

PART III: OFFICIAL PLANS

This part covers all aspects of a municipality's statutory power to prepare an official plan. The sections deal with the content of the plan, its preparation, notice, adoption, approval, amendment and review. As this is the cornerstone of municipal planning activity almost one-third of all comments contained in the briefs concerned this part of the Act.

Section 16: Matters to be Addressed in Official Plan

Section 16 together with the definition in section 1(h) focus the plan on physical matters with "regard" being had to social, economic and environmental matters. Some 75 briefs made comments on these provisions.

Those submissions opposed to the physical focus outnumbered those in favour by a five-to-one margin, and came from municipalities and municipal associations in addition to every social planning council that commented. The tenor of municipal response can be summed up by one municipal comment that the definition should be more sensitive, conveying the notion that the official plan represents people, not just buildings. On a more pragmatic note, a municipal association stated that the definition was too narrow, differing from what the current Act specified and what is commonly practiced by municipalities. It should "reflect the total community and not simply its physical structure" and, therefore, the official plan should be defined as:

> "a document approved by the Minister containing, among other matters, social, economic, environmental and physical

> objectives and policies designed primarily to provide guidance for the planning and development of a municipality or a part thereof or an area that is without municipal organization."

As a footnote, about 40 comments were made requesting clarification or consistency between the definition in sections 1(h) and section 16.

Section 17: Procedures for Preparation, Adoption and Approval of Plans

As to be expected the volume of comments on this section was extremely high, and most involved the public involvement procedures.

Public Involvement

Most briefs commented on the public involvement procedures, including the roles of the Minister and the OMB. Many made specific comments but applied them to both the official plan process (section 17) and zoning (section 34). While some municipalities and municipal associations wanted to be able to establish their own requirements, most briefs accepted that such provisions should be set out in the Act and directed their concerns to the specific legislative proposals.

The way sections 17 (official plan) and 34 (zoning) were drafted in the proposed Act, the notice, rights to appeal the time periods are structured around a required municipal meeting. Many submissions held that approval times, on average, would be increased by at least one month and that smaller municipalities would have to hire extra staff. Many smaller municipalities on the other hand stated that it would frequently be difficult to meet the 7-day requirement for sending out notice of council's decision.

Other points expressed were that:

- by-laws will have to be recirculated when altered as a result of public meetings;
- the 30-day notice period is too long;
- technical by-law amendments and by-laws without objection should not need a public meeting;
- there should be provision for a pre-meeting exchange of documents; and
- councils should be able to delegate official plan and zoning matters to a committee of council.

This problem centres on the 30-day notice required before a council considers a planning matter. It is most acute when the item is of a technical nature to correct existing by-laws or is a re-notification of a proposed by-law altered as a result of a public meeting.

The most controversial provision in the entire draft Act is the denial of full appellant status to those who did not attend the public council meeting and request notice of decision. This problem centres on the concern that persons with a legitimate interest in a matter may, because of the restrictions of sections 17 and 34, be denied access to the Board. There were a large number of strong objections from a wide range of respondents, including municipalities of all sizes plus citizens' and developers' organizations, and the legal profession.

Several briefs wanted:

- written submissions to council in lieu of personal appearance
- specific authorization for representation by counsel or agent to qualify for an automatic right to appeal.

The majority of the responses, however, flatly rejected restricting the right of appeal, and several reasons were offered. One municipality noted that many by-laws will be altered as a result of comments and concerns raised at the public meeting and those who did not object to the original by-law, and so did not attend the meeting, would not be aware of the changes and would have no right to appeal the altered by-law. It was also argued that the notice requirements will probably be such that interested persons at some distance from the site will not be notified of the meeting and will probably not learn of the council's decision until after it is made.

Another group contended that the Board's power to screen out frivolous appeals without a hearing was an adequate safeguard.

Final Disposition of Appeal

Of the possible alternative ways of finalizing appeals, i.e.
- O.M.B. decision to be final in all cases;
- petition to Cabinet on all O.M.B. decisions;
- O.M.B. decision final except when a provincial interest is defined;

more submissions supported the first option than the total of the other two. Many municipal briefs (including the Association of Municipalities of Ontario) stated that the Province should be subject to the same rules as everyone else including presenting its case to the Board for final decision. While not specifically supporting the Draft Act proposal, most briefs commented on how the provision would work, so it could be assumed the principle is accepted. These briefs wanted:

(a) intervention only on the basis of policy statements;

(b) O.M.B. recommendations to the Minister to be public;

(c) the reasons for the Minister's decision to be public;

(d) notice of provincial interest when the matter goes to the Board or within a statutory time limit before the hearing.

Related to the importance of the municipal decision is the legal concept of "natural justice." Some opinion has been expressed that the Draft Act, if enacted as originally published, may require municipal councils to act judicially, rather than administratively (or legislatively), when dealing with planning applications. The Municipal Law Section of the Canadian Bar Association has suggested that the transformation of the O.M.B.'s status from an approval authority to an appellate body will lead to the imposition of the rules of natural justice on the conduct of municipal councils in planning matters. If this interpretation is valid the courts may hold that councils are under a duty to act judicially, and substantial delay and procedural complexity may be faced by municipalities acting under the rules of natural justice at public meetings.

Background Paper 2 to the "White Paper" stated that the Planning Act Review Committee's proposals on the O.M.B. would shift council's function from an administrative to a judicial one with respect to planning decisions. The basis of this conclusion was that council would be required to act judicially if restrictions were placed on the appellate jurisdiction of the Board. It was implied that council's function would remain administrative (and therefore, exempt from natural justice) if an unrestricted appeal to the O.M.B. was retained.

In contrast however, it is the contention of The Municipal Law Section that the rules of natural justice at the council level are triggered into operation by the Draft Act's provision of an "opportunity to be heard" under sections 17 and 34, notwithstanding the exemption from The Statutory Powers Procedure Act.

Natural justice is said to consist of:

1. adequate notice to those affected.
2. reasonable opportunity to present a case and to respond, therefore, providing the decision makers with a proper understanding of the application.
3. duty by council to listen to both sides in an unbiased manner.
4. a duty by council members to be present throughout the proceedings.
5. a right to cross-examination where creditability of individuals is central to the decision.

But other members of the legal profession have stated that the Draft Act will only require municipal councils to act with "fairness", i.e. less than natural justice. It has been stated, but not agreed by all legal members consulted, that "fairness" in case law only included points one and two from above.

Section 17(1)

A number of briefs from various sources wanted official plans to be made mandatory rather than optional as provided in the existing and proposed Acts.

Section 17(2)

There was a broad municipal consensus that the 30-day notice prior to the public meeting was too long, particularly when combined with the 28 day appeal. It was

strongly felt that the approval process was already long and that the draft new Act would add at least another month. It was recommended by many that the notice period be reduced to two weeks. Most concerns over the notice provisions were made by smaller, rural municipalities, although a few large centres and regional governments concurred.

Many submissions felt that municipalities should be permitted to pass technical amendments without a public meeting.

One area of conern dealt with by many briefs was whether an amendment must be recirculated, and a new public meeting held, each time a change is made.

Some briefs wanted the phrase "adoption of the plan" in subsections (2), (3) and (4) changed to "proposed plan" because the council may not be in favour of considering the plan in the first place.

Section 17(3)

Several groups urged that this section be amended to permit the submission of written arguments to council in lieu of a personal appearance and therefore qualify to appeal. Some briefs recommended that the subsection specifically permit representations by counsel or an agent. Provision for premeeting exchange of documents amongst the parties was also proposed.

Some groups suggested that council be specifically authorized to delegate its public meeting responsibilities to a committee of council.

In a more general vein, many small municipalities were concerned that they would need to hire additional staff to implement the new requirements.

Section 17(4)

The majority of submissions (mainly from agencies) stated that the time period for circulation should be extended. It was also suggested that the section specify that written comments be submitted.

Section 17(6), (7) and (10)

The most controversial provision in this series of procedural subsections is the denial of full appellant status to those who did not attend the public meeting and request notice of council's decision. There were a large number of strong objections from a wide range of respondents including municipalities of all sizes as well as citizens' and developers' organizations. Several groups specifically voiced support for an amendment that would permit written submissions to council in lieu of a personal appearance. The majority of the responses, however, flatly rejected any restrictions of this kind on an individual's right to appeal. Several reasons for opposing the provision were offered. One municipality noted that many amendments will be changed as a result of the public meeting and those who did not object in the first place may not become aware of these changes until after the appeal period has expired. Another group contended that the Minister's power to screen out frivolous appeals under section 17(10) is adequate. It was also argued that the notice regulations will probably be such that interested parties at some distance from the site of official plan amendments will not be notified and not learn of the council's decision until it is too late.

It was also suggested that "any person" be defined in the Act, particularly because of O.M.B. practices regarding

the granting of standing. One law firm, often representing citizens, recommended that it be defined broadly to include unincorporated groups while a second law firm, mainly representing developers, favoured a more restrictive definition.

Many small municipalities stated that it would not be possible to send out the notices on major matters within the 7-day limit required in subsection (7).

Section 17(8)

Some submissions wanted the Minister to have the power to modify a plan only with the "concurrance" of the council.

Section 17(10)

There was some dispute over the 28-day appeal period. While some said only "too long" or "too short" others specified other periods which ranged from 21 to 60 days.

It was also suggested that appeal rights should be extended to any person to whom notice ought to have been given under subsection (7). Some briefs questioned the application of the phrase "no useful purpose" decided by the Minister in refusing to refer a plan to the O.M.B.

Section 17(12), (13) and (14)

As a large number of briefs objected to the prerequisites to full appellant status under section 17(7), they obviously opposed the creation of two classes of appellants when the plan reaches the O.M.B. on referral.

Those who did accept the concept of appellants with different status requested the formulation of guidelines as to who could be added as an appellant after the expiry of the 28-day period. Several submissions proposed that subsection (12) provide that the Minister be made a party to the appeal.

In keeping with the sidespread opposition to restricting the right to appeal, many submissions opposed the limitations on case presentation in section 17(14). There was considerable uncertainty about the distinction between "making representations" and "introducing evidence". Several felt such matters should be left to the O.M.B.'s discretion and not legislated.

Section 17(15) and (17)

A number of briefs wanted a time limit on holding an appeal and/or issuing a decision by the Board. Others wanted it made clear that the O.M.B. could assess costs to the parties of the appeal.

Section 17(16)

While most agreed with this subsection, several suggestions were made. One municipality wanted to see an explicit legislative abolition of de novo appeal hearings. Another group proposed that the O.M.B. determine the issues in an appeal on the basis of a 'mini-hearing', the result of which could be appealed to another panel or to the Minister. It was recommended by another municipality that the Board determine the issues in advance of the hearing and notify the parties accordingly. One group wondered how the Board was to treat issues advanced by parties lacking full appellant status.

Section 17(18) and (19)

Many respondents objected strongly to the failure to require adequate notice of provincial intervention to the parties to the appeal. Most of those urging a longer notice period recommended that the Minister be required to announce the matter as of provincial interest at the time of referral to the O.M.B. under subsection (10). Others recommended notification of provincial interest before the hearing. Frequently 30 days before was suggested.

Some submissions were absolutely opposed to any special provision for ministerial intervention in O.M.B. appeals, and argued that the Minister should be subject to the same rules of appeal procedure as other parties.

Widespread support for final decision-making by the Board rather than the Minister was expressed in a considerable number of submissions, and a considerable number favoured the retention of Cabinet appeals from O.M.B. decisions. It was suggested that the Minister should only be able to intervene on the basis of published provincial policy statements issued under section 3. It was also recommended that the O.M.B. recommendations to the Minister and the Minister's reasons for decision be made public. A time limit was suggested for the Minister in issuing a decision under subsection (19).

Section 18: Preparation of Plan by a Joint Planning Board

Few commented on this provision; however, those that did expressed support.

Some minor changes were suggested:

- 18(1), (2) should be altered to clarify that council must approve the proposed plan after it is adopted by the joint planning board;

- confusion was expressed about what constituted a majority vote in 18(1) i.e. all members, or all members present and whether every member was required to be present throughout;

- several wanted "partly within the planning area" in 18(2) to be deleted;

- two municipalities suggested that 18(3) imposed too onerous a burden of notice, hearing and adoption on small municipal municipalities in a joint planning area. They wanted the joint planning board to assume the public meeting responsibility on behalf of member councils;

Section 19: Preparation of Plan in Unorganized Territory

The only submission on this section was from a municipal association, and it was in support.

Section 20: Lodging of Plan

All submissions addressed to the section supported it. It was recommended, however, that provision be made for the filing of approved plans with neighbouring municipalities within the region. One submission suggested that the section should be more specific about the meaning of "each municipality" because in some cases it would be more appropriate to file the plan with the joint planning board.

Section 21: Amendments and Waiving of Approval

While no comments were received on section 21(1) on amendments, section 21(2) concerning waiving of the Minister's approval was subject to considerable comment, mostly negative.

Many stated that the waiving of approval was unnecessary and potentially time-consuming. The waiving of approval was considered by many to be tantamount to actual approval while others thought that the process leading up to the decision to waive would be as long as "regular" approval.

The submissions of municipalities were almost equally divided between support for and oppostion to the section. However, almost all the professionals and professional organizations concerned with the planning process urged that the section be eliminated.

Lawyers who were concerned that the waiving of approval by the Minister could have the effect of taking away the right to request a referral of the amendment to the O.M.B. under section 17(10).

A number of briefs pointed out that if the section is retained, the Minister should be empowered to waive approval only where no request for referral to the O.M.B. has been received within the 28-day appeal period.

Other submissions urged that waiving of Ministerial approval be restricted to "minor" amendments, and that a time limit for waiving approval be imposed on the Minister or that Minister's decisions under the section be appealable to the O.M.B.

Section 22: Referral Where Amendment is Requested

Most comments on this section centred on Ministerial intervention to declare a matter before the O.M.B. to be of provincial interest. The same points made in response to section 17(18) i.e. that "provincial interests" be declared at the time the matter is referred, or from 7 to 28 days before the hearing is to start. Otherwise, it was felt, parties would be unable to prepare arguments that would adequately address the issues of the hearing.

It was widely stated that the Minister should be required to disclose his report regarding the nature of the provincial interest, not only to the Board, but to all parties of the hearing.

A considerable number of briefs wanted the criteria for Ministerial referral in section 17(10) to apply to section 22 as well. There was widespread objection to the scope of ministerial discretion in referrals under subsection (3) and many felt that referral should be mandatory, unless the request was frivolous.

Some groups took the position that the Minister be included in 22(1) so that the same rules would apply to him as to other groups. The Minister would then be required to defend his requested plan amendment before the Board in the same way as anyone else. Finally, only a small number of municipalities objected that the O.M.B. decision would not be final when a provincial interest had been declared.

Section 23: Minister May Request Amendment to Official Plan

This section was the subject of much controversy with most comment focused on two issues:

. the necessity of O.M.B. review of amendments initiated by the Minister

. the finality of the Board's decision.

Few submissions expressed unqualified support for the section as a whole. Others implicitly supported the powers conferred on the Minister, as long as the Act contained an adequate guarantee that those powers would only be exercised in conformity with clear, published provincial policy statements.

A small number expressly stated that the section as a whole was objectionable because it was an excessive encroachment on municipal autonomy.

Several municipalities recommended that section 23 should be eliminated entirely by making the Minister subject to the same rules as other parties under section 22.

In the same vein as comments on section 17 and 22, it was stated several times that a time limit for issuing the final decision be imposed on the Minister. Also, several groups proposed that the Minister be required to give sufficient notice of his intention to declare a provincial interest to enable affected parties to respond.

The overwhelming majority objected to the unilateral power to make official plan amendments conferred upon the Minister without referral to the O.M.B. A large number of submissions argued that interested parties should be given the right to challenge Minister's amendments before the O.M.B. Many felt that a mandatory

O.M.B. hearing was essential in cases where a conflict arose between the Minister and a municipal council under the section. This view was shared by municipalities of all sizes, professional planning organizations and public interest groups.

Less than half of the comments supporting mandatory O.M.B. review of Minister's amendments also wanted the O.M.B. decision on the matter to be final and binding on all parties, including the Minister.

Section 24: Conformity of By-Laws and Public Works

Most of those who commented on this section said that the word 'generally' should be deleted and that the conformity requirement be unqualified. It was observed by many that if the intention behind the use of the term 'generally conform' was to provide for flexibility in interpretation, this purpose could be more effectively achieved in better drafting of the official plan itself.

A substantial minority expressed no opposition to the use of the term itself, but were concerned about potential interpretation problems and recommended that the term be given a clear definition. One brief suggested that the conformity of by-laws to official plans be attested to with supporting reasons by the chief planning officer as is currently done now when by-laws come into force without O.M.B. approval. Alternatively, a by-law could be referred to the O.M.B. if its conformity with the plan was in dispute. Several briefs were concerned about the legal status of by-laws passed in conformity with an official plan adopted by a municipality but not yet approved by the Minister. If the plan were later changed to render the by-law non-conforming, a question would arise as to the validity of the by-law.

Section 25: Acquisition of Lands in Accordance with Plan

A number of briefs felt that this section was somewhat restrictive in that it does not allow municipalities to become involved in land development. It was therefore recommended that the words "and developing" be added after "the cost of acquiring" in subsection (2). Similarly, the word develop should be inserted after "the council may ... acquire and hold" in subsection (1). It was also suggested that the word "acquire" be defined to clarify that it includes expropriation. It was also requested that the acquisition, sale or lease of easements be permitted.

Section 26: Review of Plan

A substantial number of submissions opposed the mandatory 5-year review of official plans. Many municipalities expressed the view that such frequent reviews were unnecessary and prohibitively expensive. Although most agreed that a periodic review was necessary, objection was expressed to the imposition of a specific time period within which the review be undertaken. It was frequently recommended that the section be altered to provide for review from "time-to-time" while retaining 5-years as a guideline. On the other hand, several briefs felt that decisions about plan review should be left entirely to the municipality which should incorporate review policies into its official plan.

Only a small number were specifically opposed to the Minister's powers, under subsection (2), to order official plan reviews. However, the opinion was often expressed that there was a pressing need for guidelines or regulations governing such intervention in addition to a more precise

definition of what constituted a 'review'. The question was raised as to how the section might be enforced in cases where the municipality refused to conduct a plan review.

A few municipalities suggested that provincial planning policies also be subject to a mandatory 5-year review. Some groups, notably developer's organizations and some larger municipalities, suggested that the time period was undesirable because official plan review should be an ongoing part of the planning process.

Section 27: Effect of Upper-Tier Plans

Although only a small portion of submissions actually supported this section, opposition to its main principle was not widespread. Most comments dealt with the mechanics of the section, thus suggesting implicit agreement. The few briefs opposed were concerned about encroachment into local autonomy and the potential for serious conflict between local and upper-tier municipalities. Many briefs noted the lack of a formal negotiation process between the two levels of planning and it was recommended that O.M.B. arbitration should be provided. Other points included:

- upper-tier should also be able to amend local official plans

- the one-year time limit was too short

- upper-tier should be required to specify how local by-laws do not conform to regional plans

- why "general conformity" in section 26 but "conformity" here?

. upper-tier should be subject to notice, hearing and appeal requirements of the zoning and official plan sections.

Several procedural concerns were raised. There was some confusion about whether local by-laws, whose conformity was not questioned in the one-year period, would be automatically "deemed" to conform after the year had elapsed. Many saw legal problems as to the validity of local planning decisions taken during the period of non-conformity. There were also some concerns over the legal status of building permits issued under local by-laws before they were amended to conform with the regional plan. Some suggested that this problem might be solved by deeming local by-laws and official plans to be effective and valid until they are formally amended. Finally, there was uncertainty over which level is to assume responsiblity for the later amendment of local by-laws. A number of municipalities asked that such procedures be stipulated in the Act.

It was widely felt that the section would be difficult to implement without a clearer distinction between the nature and content of upper-tier and local official plans.

PART IV: COMMUNITY IMPROVEMENT

This part of the Draft Planning Act consolidates three major provisions of the existing Act. Revised procedures for those municipalities wishing to participate in community improvement are established, along with implementation methods. The power to enact both property standards by-laws and demolition control by-laws provide additional controls to municipalities.

Section 28: General Provisions

Most briefs commenting on Part IV of the Act expressed agreement with the community improvement provisions, although some felt that this section may be overly complex for smaller municipalities.

A general consensus among those responding to this section related to the requirement for Ministerial approval under subsections 1(c), 2 and 3(a). It was agreed that the Ministers' approval be removed due to the extensive provincial involvement in the Community Services Contribution Programme (CSCP). It was felt that the Minister already has sufficient opportunity to control the content of these plans by imposing conditions on the provincial contribution under the CSCP. Further, several respondents argued that the Ministers' power in subsection 4 was not necessary, because the Minister is already empowered to withdraw funding if a program is not progressing properly.

Respondents were also in agreement with respect to the deletion of the word 'local' before municipality in subsection 2, as it was felt that all municipalities should be entitled to use this section, regardless of whether a local plan is in place. It was noted that upper tier municipalities would be precluded from undertaking community improvement work unless the word 'local' was removed.

Many municipalities objected to the requirement under subsection 5 that notice and public meeting procedures be followed for community improvement plans. Several submissions expressed concern that compliance with these requirements would greatly lengthen the approval process, resulting in municipalities failing to meet the time limits imposed under the Community Services Contribution Programme.

Section 29: Agreements on Community Improvements

There were very few submissions that commented on this section. Those groups that did comment were in agreement with the manner in which the section was drafted, although one respondent was uncertain about whether 'governmental authority' included ministries and agencies of the federal government.

Section 30: Agreements on Grants and Studies

Only two comments were received on this section and both were supportive.

Section 31: Property Standards By-Laws

The comments on this section centred around suggested technical amendments and possible additions.

More specifically, a number of respondents felt that provision should be made to allow municipalities to take immediate action in emergency situations (health, safety, welfare) and forego the notice provision.

A number of groups favoured a provision in the section that would not only permit municipalities to undertake repairs, but to pay utility bills to prevent shutoffs at the owner's expense and to recover the costs in the same way as taxes.

One municipality was concerned about the conflict between The Provincial Offences Act and The Planning Act with respect to the issuance of search warrants to property standards officers. It was noted that section 142 of The Provincial Offences Act contemplates the issuance of search warrants only for the search of premises for the purpose of physically removing portable evidence.

It was recommended that the provisions set out in sections 38 and 39 of the present Act not be removed from the property standards section until the proposed provincial Fire Code is in force. It was suggested further that section 31 provide that the "Fire Code shall prevail where fire related matters are involved".

Some respondents felt that the membership of property standards committees as set out in section 31(11) was not desirable and that sections 36(11) and (12) of the existing Act be retained.

Section 32: Grants and Loans: Property Standards

The few submissions that addressed this section all were in general agreement. Two municipalities recommended

that the section be amended to ensure that municipalities would be entitled to the same remedies for the default of repair loans as for property taxes. It was suggested that the words "collected in like manner as municipal taxes" be deleted and replaced by "shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as taxes and shall be collected in the same manner and with the same remedies as real property taxes".

Section 33: Demolition Control

Although this section re-enacts section 37a of the existing Planning Act, a number of responses suggested improvements to the present wording.

Two municipalities felt that this section should specifically authorize the delegation of demolition control responsibility to a building official or to a committee of council.

Several municipalities thought that demolition control should extend to non-residential properties or that all buildings in a designated area of demolition control should be covered by this section. Other groups expressed concern that the demolition control provision would not apply to residential properties that are being occupied for another use (i.e. office).

Some respondents recommended that the one month period in section 33(4) be extended to ninety days. It was also suggested tha appeals be made available not only to those who are refused a demolition permit, but also to those who are dissatisfied with the conditions attached to the issuance of a building permit.

A number of briefs expressed concern over whether the demolition of a property would be subject to The Building Code as a result of section 33(16). It was felt that compliance with the Code is important as it ensures the safe and orderly demolition of buildings. It was suggested therefore, that the issuance of demolition permits be required to abide by the provisions of The Building Code.

Some respondents were of the opinion that penalties for breach of section 33 be placed in section 67 of the draft Act (penalties) and one respondent felt that the amount of the penalty should not be specified but be set out in the local by-law.

PART V: LAND USE CONTROLS AND RELATED ADMINISTRATION

This part of the Draft Planning Act establishes a development control system based on the use of long and short term zoning procedures. For the first time, different types of zoning by-laws are defined. The Draft Act enables municipalities to pass conventional zoning by-laws and two new types of holding and bonus by-laws. The introduction of short-term zoning procedures includes both interim control and temporary by-laws. The use of site plan control by-laws and parkland dedication, as presently provided in the existing sections 35a and 35b, is retained.

This part of the Draft Act also establishes procedures for, and the powers of, committees of adjustment. In addition, a number of other land use controls and related administrative procedures deal with land reserved for public purposes, amortization by-laws, metric conversion, mobile homes, Minister's Orders and rights of entry.

Lastly, this section empowers municipalities to pass by-laws regulating signs, a power transferred from the existing Municipal Act.

Section 34: Zoning By-Laws

Zoning by-laws (formerly called restricted area by-laws), being the basic land use control mechanism, were addressed by almost every brief submitted. Generally, there was unanimous support for the draft legislation in separating land use controls into long and short-term measures.

There was, however, a considerable body of response from smaller municipalities who were concerned that the proposed zoning procedures were too complicated and time consuming.

Other submissions commented as follows:

- The proposed approval procedure is unnecessarily complicated and time consuming for the majority of by-laws passed in our municipality. We recommend that both the existing and proposed procedures for by-law circulation be retained and that local municipalities be given authority to choose the preferred system.

- The procedures should be set out in regulations rather than in the legislation.

- The procedures are too complex for a rural municipality. The O.M.B. present approval procedure is satisfactory and should be retained.

A number of briefs suggested that the section was deficient in its exclusion "to provide clear legal authority for a municipality to enter into agreements with developers as part of amendments to the zoning by-law". These comments originated primarily from large urban areas.

Section 34(1)

Most of the submissions on this section involved wording and technical changes rather than any fundamental objection to the provision. The single issue in the subsection that stimulated most comment was

the provision for regulating the "cost" of buildings in clause 4. A large number of briefs recommended the deletion of "cost", claiming that it is discriminatory and outmoded and due to the difficulty of implementation can cause delay in the approval process. The objections to the regulation of building cost were received not only from development interests but also from a number of municipalities.

Only one item in clause 1 of section 34(1) elicited any criticism. A small number of municipalities urged that the word "regulating" be substituted for "prohibiting". The same recommendation was also made with respect to Clause 2.

A number of municipalities regarded Clause 3 as too restrictive. It was felt that authority should be granted to prohibit the development of hazard land regardless of the cost of municipal servicing. It was also recommended that steeply sloped land be included in the description of hazard land under Clause 3.

Several briefs indicated that the inclusion of "external design" and "character" of buildings in Clause 4 was unnecessary as these matters were already identified as items to be regulated through site plan control under section 39. A similar number of respondents felt that these matters should not be included. As a result, many submissions seemed uncertain as to the extent of municipal power to control the aesthetic character of buildings under the draft Act. One other concern in this subsection was that municipalities should be given the authority to regulate the maximum, as well as the minimum, dimensions of land parcels.

It was suggested by one respondent that Clause 5 "should not relate only to buildings or structures. A number of uses generate a demand for parking yet are not necessarily associated with a building or structure". A large number of municipalities recommended that they be given authority under this section to receive cash-in-lieu of parking spaces as it is often impracticable to provide spaces on small sites. It was noted that several municipalities are already entitled to do this by virtue of private legislation but that general authority should be granted.

There was widespread uncertainty as to whether pits and quarries were to be defined as land uses for the purposes of zoning under section 34. It was recommended that either Clause 6 be expanded to include all types of land consumption or that Clause 1 define land use to include consumption of land.

Several municipalities recommended that specific authority be conferred under section 34(1) to zone for the preservation of agricultrual land.

A number of briefs questioned the restriction of zoning powers to local municipalities in Section 34(1) and suggested that the operation of Section 27 would be facilitated by the deletion of the word 'local' in this section.

Section 34(3) and (4)

Although the opponents of this provision greatly outnumbered its supporters, the majority of submissions were addressed to the means of implementing 'exclusionary zoning'. Objections to the section were not confined to any one group of respondents: large and small municipalities and several social service organizations recommended against any form of 'people zoning'.

Doubt about these subsections centred, for the most part, around potential abuse of the authority conferred. Many briefs were concerned that the power authorized under ection 34(3) could be misused to sanction racial, religious or sexual discrimination in housing. Many respondents expressed concern about the future of group homes if the section was adopted.

A number of submissions recommended that the section be revised to eliminate the reference to "classes of persons" while still retaining the intent of the provision. The following rewording was proposed:

"The authority provided in paragraphs 1 and 2 of subsection 1 includes the power to prohibit the use of land buildings or structures for or except for, the purpose of occupancy as prescribed".

Subsection 4 would be deleted and the fair implementation of the section could be ensured through detailed policy statements.

A substantial number of respondents were apprehensive about the open-ended drafting of subsection 3. Many suggested that the classes of persons be set out in the Act rather than by regulation. It was argued that if the intent of the section is to ensure the housing of certain groups, and the exclusion of others, then the intention should be clearly stated in the legislation with the special classes clearly defined.

Section 34(7)

A number of respondents were uncertain as to the precise meaning of the phrase, "no certificate shall be refused if the proposed use is not prohibited by the by-law".

It was suggested that the section be reworded to indicate whether occupancy certificates would be refused in cases of minor deviation from the by-law. It was also proposed that the phrase "type of use" be changed to "use" to prevent problems from arising from a change within a type of use which might necessitate different building standards or parking requirements (i.e. change from office to restaurant). A third suggestion was to require compliance with agreements made pursuant to sections 39 and 52 as an additional pre-condition to a certificate of occupancy.

Section 34(8)

The only submission received on subsection 8 recommended that the maps to be attached to the by-law be required to bear a certificate of an Ontario Land Surveyor attesting to their accuracy.

Section 34(9)

One comment was submitted regarding this provision. It was recommended that the word "acquire" be defined to include "expropriate".

Section 34(10)

Almost every submission received on the non-conforming use provision expressed uncertainty about the meaning of the concept and how the section would be implemented. It was strongly urged that the following terms be defined more clearly in the legislation: discontinuance of use, non-conforming building or structure, non-conforming use, non-conforming land. It was also recommended that the section provide for cases in which the use has been partially or wholly destroyed and cases in which

part of the site has been expropriated and thereby made non-conforming. Some respondents favoured the adoption of conclusion 53 of the White Paper which recommended the preparation of an inventory of non-conforming uses. The status of vacant land under subsection 10(b) should also be clarified.

Section 34(12) - (15)

Most submissions strongly endorsed the temporary use provisions. Municipalities were particularly supportive expressing the view that this type of by-law would be a useful planning device. Many respondents indicated some uncertainty regarding the scope of temporary uses and asked that clarification and/or definition be included in the Act.

Some respondents were concerned that the maximum three year limit provided for in Section 34(13) was excessive and/or a one year maximum was suggested instead.

One brief observed that the temporary zoning by-law provisions could be used arbitrarily to prohibit the continuation of already existing non-conforming uses. It was recommended that the municipality's power to terminate a non-conforming use be more clearly restricted to cases where a landowner applies for permission for a new non-conforming use. In addition, it was further suggested that the extension period be reduced to a one year period and that only one extension be permitted.

Section 34(16)

Most of the response to this section related to

procedural aspects. One brief recommended that the section require compliance with public notice procedures following council's refusal to amend. A few briefs proposed an extension of the sixty-day time period to ninety days.

Section 34(17)

There was a strong consensus that the notice period of thirty days prior to the public meeting was too long, particularly when combined with the twenty-eight day appeal period following council's decision. It was strongly felt that the approval process was already a long one, and that the requirements under the new Act would delay it for at least another month. It was recommended by most briefs that the notice period be reduced to two weeks. It should be noted that most of the objections to the notice provision were made by smaller, rural municipalities although there were a few large centres and regional governments that concurred on this point.

A considerable number of submissions recommended that municipalities be permitted to pass technical by-law amendments without being required to hold a public meeting. A few municipalities objected to the public meeting requirement in cases where there are no public objections to the by-law.

One area of concern dealt with by many briefs was whether a draft by-law must be recirculated, and a new public meeting held, each time a change is made. There was uncertainty about whether council was required to conditionally approve a draft by-law prior to circulation and whether actual circulation of the by-law is in fact required at all.

It was noted by a number of respondents that Sections 34(17) to (36) did not appear to specifically apply to by-law amendments. It was suggested that the sections be redrafted to correct this oversight or to specify what procedures apply to amendments.

Section 34(18)

Several submissions urged that this section be amended to permit the submission of written arguments to council in lieu of a personal appearance. Those making written submissions would then be identified as having attended the meeting for appeal purposes. Some briefs recommended that the subsection permit representations by counsel or agent on behalf of their clients. Provision for pre-meeting exchange of documents among the parties was also proposed.

Some respondents suggested that council be specifically authorized under section 35(17) or (18) to delegate its public meeting responsibilities to a committee of council.

One municipality expressed concern about imposing the notice and meeting requirements on the current approval process. It was observed that a by-law generally passes through various stages of conditional approval before a final decision is reached. Conditions are imposed on the landowner over an extended period which, if fulfilled, eventually lead to final approval. The Act should therefore be much more specific about what stage in the proceedings notice should be sent and a meeting held.

Many small municipalities were concerned that their limited budgets would prevent them from hiring the

additional manpower regarded as essential to the implementation of the new public procedure requirements.

Section 34(19)

The majority of submissions from agencies stated that the time period for circulation should be extended It was also suggested that the section specify that written comments be submitted.

Sections 34(20) and (23)

The most controversial provision in this series of procedural subsections was clearly the denial of full appellant status to those who did not attend the public meeting and request notice of council's decision. A large number of strong objections came from a wide range of interests including municipalities of all sizes, citizens' and developers' organizations. Several groups specifically voiced support for an amendment that would permit written submissions to council instead of a personal appearance. Most responses, however, flatly rejected any restrictions of this kind on an individual's right to appeal to the O.M.B. Several reasons for opposing the provision were offered. One municipality noted that many by-laws would be amended as a result of the public meeting and those who did not object to the original by-law, and so did not attend the meeting, may not become aware of these changes until the appeal period. Others felt that the O.M.B.'s power to screen out frivolous appeals without a hearing was an adequate safeguard for the Board. It was also argued that the notice requirements could be such that interested persons at some distance from the site would not be notified of

the meeting and would probably not learn of the council's decision until after it is made.

Many groups favoured the imposition of a time limit on the municipal clerk for forwarding objections to the O.M.B. following the expiry of the appeal period. Seven days was frequently suggested.

It was felt that confusion could be avoided by making the language of Section 35(22) consistent with section 17(7). The words "any person or agency to whom notice was given under subsection 21" should be deleted and replaced by "any person or agency who filed with the clerk a written request under subsection 21". It was also suggested that "any person" be defined in the Act, paricularly because of O.M.B. practice regarding the granting of standing.

There was some dispute about the adequacy of the twenty-eight day appeal period. Some felt that it should be reduced to twenty-one days while others favoured an extension to sixty days. However, this provision did not generate a large number of comments.

Section 34(24)

A typographical error in this subsection was noted by many alert respondents. The introductory sentence which reads "When a notice" should read "When no notice".

Section 34(25)

Two submissions were received on this section. One of them stated:

"Under Section 34(25) the clerk's certificate relating to notice and notices of appeal in relation to zoning

by-laws is said to be conclusive evidence of the facts stated therein. We see no problem with having a presumption that the facts stated in the certificate are true, but to say that they are conclusive evidence is needless and unfair. We would suggest that the word conclusive be changed to prima facie."

It was recommended that the section provide that the by-law take effect when no notice of appeal is filed and when all notification regulations have been complied with.

Section 34(26)

Several respondents suggested that this subsection be re-drafted to include a provision for those circumstances where objections are filed and subsequently withdrawn.

Section 34(27) - (29)

As many respondents objected to the prerequisites to full appellant status under Section 35(21), they again opposed the creation of two classes of appellants when the by-law reaches the O.M.B. on appeal.

Those who did accept the concept of appellants with different status requested the formulation of guidelines as to who could be added as an appellant after the expiry of the 28-day period. Several submissions proposed that subsection 27 provide that "the Minister" or "any agency" be a party to the appeal. Some briefs also requested that ratepayers organizations be formally recognized as a party to an appeal.

In keeping with the widespread opposition to sub-section 21, many submissions opposed the limitations on case presentation in Section 34(29). There was uncertainty about the distinction between "making representation" and "introducing evidence". Several respondents felt that matters relating to presentation should be left to O.M.B. discretion and not legislated.

Section 34(30)

The one representation received on this section suggested that the Board be required to hold a hearing within sixty days of receiving the notice of appeal.

Section 34(31)

The few respondents who were concerned about this provision strongly urged that it be redrafted to prevent the Board from summarily dismissing an appeal application without hearing any evidence or argument and without giving reasons. It was further recommended that all parties to the application be notified of the dismissal of the application.

Section 34(32)

One municipality wanted to see an explicit legislative abolition of de novo appeals. Others proposed that the O.M.B. determine the issues in an appeal on the basis of a 'mini-hearing', the result of which could be appealed to another panel or to the Minister. Another municipality felt that the Board should determine the issues in advance of the hearing and notify the parties accordingly. One group wondered how the Board would treat issues advanced by parties lacking full appellant status.

Section 34(33) and (34)

One municipality recommended that the Board be required to issue its decision within 28 days of the final date of the hearing. Another proposal was that subsection 33 explicitly provide that a by-law is deemed to be approved if an appeal is dismissed by the O.M.B. In the same vein, the section should specify when the approval of the O.M.B. is to take effect. A provision prohibiting the issuance of building permits while an O.M.B. appeal of the authorizing by-law was also regarded as necessary.

Section 34(35) and (36)

Many respondents objected strongly to the failure of section 34(35) to require adequate notice of provincial intervention to the parties to the appeal. Most of those urging a longer notice period, recommended that the Minister be required to announce a provincial interest at the time the case is referred to the O.M.B. for appeal under subsection 30. Others recommended notification of provincial interest at least twenty-eight days before the hearing.

A sizeable minority of submissions were totally opposed to any ministerial intervention in O.M.B. appeals and argued that the Minister should be subject to the same rules of appeal procedure as other parties.

Widespread support for final decision-making by the Board rather than the Minister was expressed in a significant number of submissions. A few favoured the retention of Cabinet appeals from both O.M.B. and ministerial decisions. Several other revisions were proposed for these two sections. It was suggested that the

Minister should only be able to intervene on the basis of published provincial policy statements. It was also recommended that the O.M.B. recommendations to the Minister and the Minister's reasons for decision be disclosed to the parties to the appeal.

Section 35: Holding Provisions

Many public and private interests strongly supported the provisions of this section, but clarification was requested of what rights and regulations apply to a property which is the subject of a holding by-law.

A major law firm expressed concern about the potential arbitrary application of this section and the inadequate provision for public participation when the holding designation is removed. These concerns were shared by other respondents.

It was also recommended that the intended municipal use of the holding designation be set out in the municipal official plan in order to ensure more certainty of application.

Section 36: Bonus By-Laws

The concept of bonus zoning was supported by most of those commenting on the section. Aside from a number of minor wording changes, the responses concentrated on clarifying and expanding the section.

In section 36(1), it was suggested that the "facilities" or "services" to be supplied by the developer should be required to be provided on the site affected by the bonus by-law.

A few respondents said that Section 36(2) should require municipalities to adopt very precise official plan policies on the use of bonus zoning, including the scale of density bonuses to be awarded in certain types of cases.

A law firm specializing in planning law suggested that 'owner of land' in subsection 3 be defined broadly so as to include long-term lessees, mortgagees and others in control of the site who may not actually own it in fee simple. The following definition was recommended:

> "The person who has dominion and control over the development for the expected life of the development".

Section 37: Interim Control By-Laws

The introduction of interim control by-laws brought a varied response. A number of briefs from the private sector were not in favour of this device, and felt that it would 'delay good development' and 'condone poor planning'. These same respondents, however, did agree that provision should be made for this municipal power in emergency situations for a maximum period of six months. Many municipal briefs, however, supported the inclusion of this section. However, smaller municipalities felt that there should be no appeal provisions, as time would be spent resolving the objections rather than completing the necessary planning studies.

Many of those who opposed the section suggested that, if retained, the time period should be reduced to six months with an extension of one year, if demonstrated as justifiable by the municipality.

A number of submissions asked that subsection 1 be amended by replacing the words 'land use policies' with 'planning policies'.

In terms of the notice hearing and appeal procedures set out in subsections 3 and 4, some municipalities felt that where there is an approved official plan in effect, there should be no appeal allowed to an interim control by-law.

In order to avoid making properties non-conforming uses, as a result of passing an interim control by-law, it was suggested that section 34(10) of the draft Act be referenced in section 37.

Section 38: Sign By-Laws

The transfer of sign control legislation from The Municipal Act to the draft Planning Act received support from those briefs that addressed this section. Generally, respondents felt that the section was unclear as to whether or not notification, hearing and appeal procedures applied to these by-laws. Many municipalities were of the opinion that sign by-laws should be exempt from these provisions, as they are now.

In section 38(1) it was recommended that the amortization period for signs should be changed to allow by-law flexibility, by making 5 years the minimum time frame, thereby allowing the municipality to prescribe in the by-law longer periods of time, at their discretion.

One interest group, representing a segment of the sign industry, proposed that the Province prepare a model sign by-law for mobile signs for use province-wide in order that a consistent approach to such signs is maintained.

It was also suggested that in subsection (5) reference should be made to section 469 of the Municipal Act

in order that "both the owner of the sign and the owner of the land will be held jointly and severally liable for removal costs, if they should be different persons".

Section 39: Site Plan Control By-Laws

As this section re-enacts the existing 35a provisions, most responses identified problems encountered in using the existing legislation. One general observation was that there should be standard notification, hearing and appeal procedures with respect to site plan applications

In subsection 1, several briefs suggested that the words "substantially increasing" should be defined, in order to be more meaningful. It was also recommended that the definition of "development" should be placed with other definitions in section 1, due to its application to a number of sections throughout the Act.

It was suggested that upper-tier municipalities be allowed to directly exercise site plan control powers and consequently the reference to local municipality in subsection 2 should be removed.

Considerable comment was received on subsection 4, being one of the major operative sections of the draft Act. Many municipal submissions asked that the subsection be expanded to clearly allow municipal control over external design.

In terms of the exemption set out in subsection 4(2) a few briefs said that site plan control should be applicable to residential buildings containing less than 25 units, if the buildings were in special areas, such as historical, renovation, or redevelopment areas.

One brief stated that the exemption should be expanded to include all buildings containing less than 6,000 sq. ft. as this represents "the area of buildings under Section 2.3.1 of the Ontario Building Code where building permit applications do not have to contain professional drawings."

A number of respondents observed that subsection 4(2)c should include "elevators" as being a matter to be displayed on the subject drawings.

The following minor wording changes were suggested for subsection 6 by a number of briefs:

. In 39(6)(a)4 - add "pedestrian and wheelchair access".

. In 39(6)(a)9 - include reference to "water supply".

Additionally, four upper-tier municipalities asked that subsection 6(c) be amended to specifically allow upper-tier municipalities to be permitted to be a party to site plan control agreements.

With respect to subsection 8, one respondent noted that section 469 of The Municipal Act provides a slow and cumbersome way of dealing with agreements in default. Consequently, it was recommended that this subsection be amended to empower municipalities to require performance bonds or other securities to guarantee performance.

Section 40: Parkland Dedication

This section represents yet another provision of the existing Act that brought comments mainly from municipalities.

Some briefs felt that the amount of parkland to be dedicated should not be prescribed in the Act, but rather left to municipal discretion based on local conditions. Some respondents suggested that guidelines for local parkland dedication should be set out in the Official Plan and not restricted by the Act.

A few briefs recommended that a 2% dedication applying to commercial and industrial development should be added, in line with the requirements set out in section 52(5) regarding plans of subdivision.

In subsection 6, a number of submissions suggested that the value of the land should be determined on the "day before" the issuance of the first permit, rather than the "day of" as the draft Act presently reads.

A few large municipalities noted that subsection 7 was overly restrictive in saying that dedication could not be obtained if a previous dedication had already been made. It was argued that in areas where redevelopment was taking place, additional parkland may be needed, particularly if the redevelopment involved increased densities. In cases of this nature it was felt that an amount of land representing the difference in dedications should be permitted.

Section 41: Land Reserved for Public Purposes

Many responses were received regarding this section, most of them from Boards of Education and School Boards. Most objected to this section on the grounds that the draft provisions would result in increased costs for school facilities, because of the new optional requirement

that a 10% deposit be made on land reserved for school purposes where draft approval of a plan of subdivision or rezoning approval occurs.

While there was no objection to the municipality declaring alternative uses if the site is not eventually used for public purposes, many submissions felt that the 3 year limitation imposed on municipalities to acquire the land outright was too short and should be extended to at least 5 years. There was also concern that the 3 year period should only start when 60% or 75% of the development was under construction or from the date of final registration of the plan of subdivision.

Regarding the valuation date set out in subsection 2, there was almost an equal number of responses in favour of the draft Act provisions as there were those requesting a change. Some suggested that the valuation price should be stated in the Act as being based on the developers cost plus the interest and any servicing costs incurred. Some school boards recommended that a standard valuation price not be stipulated but rather the present system of negotiation between the purchaser and vendor be retained.

There was substantial objection to the requirement in subsection 3 that a payment equal to 10% of the land value be made to the developer within 60 days of the passing of the by-law. The development industry felt that the amount was inadequate and should be paid on a per annum basis, while the school boards opposed any deposit being paid at all. One other comment by the school boards was that if the payment of a 10% deposit is retained, it should run from the approval, not passing of the by-law. Such an arrangement would be better if an appeal is launched and a final decision on the by-law is delayed.

Section 42: Amortization of By-Laws

There was substantial response to this section from municipalities, school boards and the development industry. Those against the draft provisions outweighed those in favour by 2:1. The major reason for objection was the general agreement that the amortization provisions represent a strong infringement on private property rights.

Those submissions in favour, qualified their support of the subject provisions, by recommending changes that:

- clarify whether the word "land" as used in the section also includes buildings,
- specify the uses that can be amortized,
- require official plan policies to set out the basis of the use of amortization by-laws, and
- extend the 5 year minimum period substantially.

Section 43: Metric Conversion

The only response on this section suggested that the provision to allow up to a 5% variance in a zoning by-law measurement be amended to 2% because the minimum building standards in the subject municipality are already low.

Section 44: Appointment of Committee of Adjustment

Many responses opposed the legislated composition of committee of adjustments to include "such persons ... as the council considers advisable". The main concerns centred on the possible appointments of council members and municipal staff. It was argued that it would be inappropriate to appeal to council members for relief from a by-law provision, when they were responsible for its adoption in the first place. Similarly, municipal staff generally work on the preparation of a by-law and recommend it for council's adoption and therefore should not formally be a part of the decision-making process. Also, comments were made that the presence of council members and/or municipal employees on a committee af adjustment could jeopardize its public credibility.

Other submissions suggested that the section be expanded to allow for joint committees of adjustment, particularly in rural areas where resources could be shared.

One other response was that the committee's term of office should coincide with that of the council which appoints it. This would mean that the time period should be amended to two years rather than three years.

Section 45: Powers of Committee of Adjustment

The origin of the responses to this section were not solely from Committees of Adjustment but included comments from a number of groups, municipalities and individuals interested in the operation of committees of adjustment. Generally, submissions restricted themselves to the technical details of the draft legislation.

In subsection 1, a number of briefs indicated, that the present wording empowered committees of adjustment to grant minor variances to any type of municipal by-law. It was suggested that the wording be clarified to rectify this.

Other matters most addressed include:

. Committeess of Adjustment should be allowed to approve an extension or enlargement of a non-conforming use in section 45(2)(a)(i), if a previous decision has approved a change in use of a non-conforming use in section 45(2)(a)(iii).

. extending the 30-day hearing period to 45 or 60 days.

. extending the 7-day period for notification of the decision provided in subsection 9 to 14 days.

. amending the subsection 11 provision that an appeal may be made within 28 days of the making of the decision to 21 days for the mailing of the decision.

Section 46: Mobile Home Provisions

Only two briefs commented on this section. One felt that the definition of mobile home, as proposed, is too broad and recommended that it be made more restrictive. The other response, from a municipality, also supported amending the definition and in addition recommended that a new subsection be added stating that a zoning by-law be able to prohibit a mobile home being erected, located or used in a municipality.

Section 47: Power of Minister: Zoning, Subdivision Control

Responses on this section were entirely from upper and lower-tier municipalities, most of which agreed with the provisions as drafted. None of the responses opposed the principle of the Minister being able to impose zoning orders, but rather recommended changes to improve the procedures. The following were recommended:

- the circumstances under which a zoning order can be imposed should be defined.

- administration of the order should be delegated to the upper-tier authority.

- provision should be made to challenge the procedures.

- consultation with the affected municipality should be mandatory requirement during the preparation of a zoning order.

- zoning orders should conform to the official plan(s) in place.

Section 48: Restrictions: Mobile Homes, Ministers Orders

There was little comment on this section. Five municipal submissions were in support and two others asked that parts of the legislation be clarified.

Ontario Hydro requested that the section specify that a municipal approving authority cannot refuse approval or issuance of a building permit for the location of

electric power facilities that may contravene a Minister's order. Another submission sought clarification as to whether permits issued under the Conservation Authorities Act are intended to be included within the intent of this section.

Section 49: Right of Entry

Approximately half of the responses to this section supported the provisions to allow right of entry to enforce zoning by-laws, provided that a search warrant is first obtained from the courts. Two respondents completely opposed the section as drafted.

Two municipal responses raised the question as to why reference was not made to sections 37 and 38 in subsection 1, as they are noted in subsection 2. "If the officer is enforcing all the sections noted in subsection 2, it seems only reasonable that he should be enforcing the same provisions in section 49(1)".

Other responses were of the opinion that application of the right of entry provisions should be extended to other sections not specified in subsection 2. Sections 35, 36 and 39 were suggested for inclusion, as well as any by-law passed by a municipality under The Planning Act.

Some briefs requested that amendments be made to subsection 3 primarily for clarification purposes, to include that:

- the subsection include rooms or premises not actually used as a dwelling.

. the subsection include non-residential or vacant rooms and properties.

. section 142 of The Provincial Offences Act be amended to include the provisions of subsection 2.

PART VI: SUBDIVISION OF LAND

Part VI brings together all of the provisions relating to the subdivision of land: the provisions for subdivision control, for approving plans of subdivision and for the granting of consents. Although a few changes have been made to the present subdivision provisions, the legislation is basically the same as is now provided for in sections 29 and 33. The main difference is that the sections have been re-ordered so that all the land subdivision provisions are brought together for easier understanding.

Few general comments were received on this part, most submissions concentrating on particular problems with individual sections.

Those that did comment generally dealt with the principles of the land division system. It was agreed that the present process based on zoning should be retained but simplified. Only one response disagreed with this position, recommending that it be replaced with a system that integrates the subdivision and zoning process.

Section 50: Subdivision Control

Subsection (1) which establishes that consent granting authority will be at the upper-tier level drew as much comment as any other part of the draft Act. Those opposed to the draft Act provisions outweighed those in favour by almost 10:1. While most of these were lower-tier municipalities, they were supported by others including 3 upper-tier municipalities. The most frequent objections were:

- hardship and inconvenience to local residents will result along with a loss of local knowledge and expertise
- lower-tier municipalities are more in tune locally, have a better liaison with local residents and better knowledge of local official plan policies
- loosing consent granting authority means a reduction in local autonomy
- centralised consent granting authority does not make sense socially, economically or for planning purposes
- many consents are associated with and concurrent with minor variance applications and these matters should be considered at the same time, by the same committee.

Some respcnses qualified their disagreement to the draft Act provisions:

- authority should be granted to lower-tier, when requested, where an approved official plan is in place
- authority should rest at the lower-tier level unless the Minister finds that the official plan is being ignored
- the upper-tier should be allowed to monitor the lower-tier consent decisions
- the upper-tier should be able to delegate the authority to the lower-tier when requested but only where an approved official plan and zoning by-law exists
- a lower-tier with an approved official plan and zoning by-law should be able to choose between

having its own committee of adjustment or to use a land division committee.

Metropolitan Toronto boroughs and Metro Council disagreed with the draft Act provisions, recommending that consent authority remain directly at the local level.

Some Municipalities were concerned that the phrase "horizontal plane" had been kept in subsection (2). They felt the expression and intent of the subsection was incomprehensible and that it should be rewritten or deleted completely.

Subsection (3) which sets out when land conveyance may occur without consent approval, caused considerable comment. Several Municipalities felt that the present practice to provide for "consents by wills" should be prevented by legislation.

Recommendations were also made under this subsection for adding to the list of land transactions which do not require consent approval. They include:

- consents should not be required with respect to leases of portions of buildings even for periods in excess of 21 years.

- consents should not be required for the creation or release of certain types of easements, such as rights-of-way, easements to encroach, working easements, utility easements.

- once consent has been given to the conveyance of part of a parcel, either the part parcel or the remnant parcel could be conveyed,

provided that any conditions required by the consent had been met prior to the conveyance. This eliminates the requirement that the parcel for which the consent is given be conveyed first before the remnant is conveyed.

- consent should not be required with respect to quit claim deeds or similar documents given by a Grantor for the purpose of correcting a technical error, description or otherwise confirming title of a Grantee where the interest of the Grantee arose out of a conveyance which was defective for some reason other than a violation of a Planning Act provision.

- consent should not be required for a conveyance given simply to confirm a possessory title.

- when the ownership of lands is certified under The Certification of Titles Act or lands are first registered under the Land Titles system, such certification or registration should cure all previous contraventions under The Planning Act. If such an amendment were passed, it would not be necessary for abutting land searches to be done prior to a certification or prior to first registration.

- this section, quite properly, is interpreted as referring to the land which is being conveyed or with respect to which an interest in land is being transferred.

However, the converse is said to be not true. A person wishing to convey land which abuts land described in accordance with and is within a registered plan, which subdivision lands he owns may not convey without first obtaining a consent as the courts have held that he is deemed at the time of such conveyance to own abutting land. This does not fall within the exception of 50(3)(a). The section should be amended to provide a further exception "unless the land abutting is described in accordance with and is within a registered plan of subdivision."

- exempt Canadian National from this Section.

- exempt all Conservation Authorities from this Section.

- exempt from this Section any non-profit corporation i.e. a housing corporation, all of the shares of which are owned by a municipality or municipal agency.

There was considerable opposition to subsection 3(c) which exempts Ontario Hydro from subdivision control. This matter has been dealt with fully in discussing responses to section 63.

Little response was received to subsection (4) providing for the deeming of registered plans. The comments made were:

- subsections (18) to (22) inclusive should follow subsection (4) as the current structure confuses municipalities.

- the deeming period should be reduced from 8 to 5 years.

- delete "local" preceeding the word "municipality".

- a subdivision deeming by-law should be subject to notice and appeal procedures.

The position taken in the draft Act to retain universal part-lot control was well received in the submissions commenting on subsections (5) and (6). Responses in favour of retaining the present procedures outweighed by 3:1 those supporting the White Paper recommendation that universal part-lot control be terminated and municipalities allowed to apply it to subdivision plans where it is felt necessary.

Two submissions proposed that any lot or block within a registered plan from which part is expropriated or conveyed to a government agency for public purposes e.g. a road widening strip should be exempt from part-lot control through a special provision to this effect in the Act. There was also a suggestion that section 50(5)(b) be amended to include an exemption to the part-lot control provisions for land being acquired or disposed of by any non-profit corporation i.e. a housing corporation where all the shares are owned by a municipality or one of its agencies.

Responses supported section 50(8) which provides that once a consent is granted to convey land, the same parcel may be conveyed without a further consent being required. The only comments raised were for clarification:

- legislation should be more clearly written stating that a severance consent exists for all time as a discrete parcel for the purpose of subdivision control, and

- guidelines should state the circumstances under which the consent granting authority in approving specific consents, can stipulate that the effect of this Section will not be applicable.

One response stated that section 50(10) is ambiguous and should be clarified to ensure it applies not only to consents for conveyances by deeds or transfer but also other dealings. Also, once given, a consent should cure any previous defaults as this would reduce costly title searches of abutting land.

Finally, it was recommended that subsections (20) and (21) be reworded to allow each municipality to set its own notification procedures in its official plan.

Section 51: Partition Act Notice

All the responses to this section requested that an addition to subsection (1) be made to allow notice to be given not only to the Minister but also the municipality. One response also recommended that a new clause be inserted to the effect that "The Planning Act supersedes all actions brought under The Partition Act or any other similar Act".

Section 52: Plans of Subdivision

While most responses dealt in detail with each sub-section, several submissions stated that the circulation

of subdivision plans should be made mandatory and not left to municipal discretion. There was a feeling that the "details" of the subdivision plan warranted public scrutiny and if necessary the holding of a public meeting regardless of whether the plan conformed to the official plan and zoning by-law. However, some responses qualified their position by commenting that notification should be required only when an official plan or zoning by-law amendment was necessary.

One response preferred that each municipality set down the notification requirements in its official plan, but all others wanted regulations prescribing municipal procedures for the form of notification and hearing.

Considerable opposition was expressed to removing section 33(2)(b) from the present Act which provides for the lapsing after 3 years of a draft approval if final approval has not been given in that period. All the responses recommended the provision be retained, giving as their main reasons:

- the 3 year draft approval period prevents outdated plans proceeding to registration

- limited sewage and water service capacity could be held up by a subdivision plan for some time and the municipality's ability to plan for future subdivision development could be hindered

- the lapsing periods help provide for a speedy resolution of draft approval conditions.

Most responses wanted the present 3 year period to be retained although some suggested 2 years would be more appropriate and one preferred it be extended to 5 years.

The only comment on the information required to be shown on a draft plan of subdivision when submitted for approval, was that some reference to energy conservation should be made.

Subsection (3) which allows the Minister (or approving authority) to confer with others, as part of the subdivision plan evaluation process, also received little comment. One response felt that a specific time period for replies should be inserted, and three others suggested that Ontario Hydro, Conservation Authorities and school boards should be specifically identified.

Observations on subsection (4) dealing with the matters to be considered in deciding a subdivision plan mostly carried over from subsection (2) the concern on the absence of any reference to energy conservation. Many responses recommended that "the suitability of the plan for the efficient use of energy" be added to the present list. Other respondents who recommended that the term "generally conform" be dropped in the part dealing with official plans also suggested it be dropped in subsection (4)(c). One response suggested that if the term is kept, the phrase "in the opinion of the Minister" should be inserted so that the question is not open to challenge in the Courts in order to second guess the Minister. Other suggestions for changes or additions included:

- rewording the introductory paragraph to read "inhabitants of the local area" rather than "the municipality" to cover subdivisions bordering on two municipalities

- clarifying if floodline studies involving other land will still be required

- amending the introductory paragraph's reference to health, safety, convenience and welfare to more suitably complement the official plan definition.

A few submissions commenting on subsection (5), which allows conditions to be imposed when approving subdivision plans, wanted the word "reasonable" to be defined so as to ensure that conditions are restricted to site-specific purposes. There was concern that conditions applying beyond the application site could be imposed, although one submission suggested that the phrase "related conditions" in addition to "reasonable" be used.

The subject of lot levies, surprisingly, received little response. The strongest recommendation was for municipalities to prepare their own lot levy by-law to be approved by the O.M.B. This municipal view argued that objectors would then be given the chance to state their case by appealing its provisions. Others suggested that actual levies should be set down in legislation, while another felt that the Ministry should prepare guidelines on the subject to assist municipalities.

Most responses to this subsection commented on the parkland provisions contained in clause 5(a). Some briefs made a case for not specifying the actual amounts of land that may be dedicated as open space, preferring that municipalities should determine their own requirements depending on such planning criteria as land use and density set out in official plans.

However, there were substantially more responses that still preferred the amounts to be set down in the Act. Most of these were not opposed to the 5% maximum being imposed for residential subdivisions, but they

did object to a restriction of a 2% maximum being imposed on industrial and commercial subdivisions. They felt that the 5% should also be applicable to such subdivisions and outweighed by 3:1 those in favour of a 2% maximum being imposed.

Other comments on this subsection were:

- remove the reference to structure in subsection 5(c) so that highways can be widened by removing insignificant "structures" such as signs and fences

- amend subsection 5(d) to allow agreements which provide for the payment of development levies as a condition of draft approval.

Little comment was received on subsection (6) dealing with subdivision agreements. One response felt it should be made clear that both upper and lower-tier municipalities can enter into agreements. Another suggested that provision be made for a municipal certificate of standing which will prevent a municipality from proceeding against a subsequent purchaser in the case of a clear certificate.

Those responses asking that municipalities, through official plan policies, determine their own amounts of parkland dedication in subsection 5 (a) reiterated this position with regard to the alternative amount of one hectare per 300 dwelling units provided for in subsection (7). Some responses also recommended that subsection (8) be amended to allow municipalities to require a combination of parkland conveyance and cash-in-lieu of such land in some circumstances, rather than only one or the other as is now the case.

Subsection (9) establishes the date on which the amount of any cash-in-lieu payment should be determined as being the day before the day of draft approval. There was a widespread feeling that the valuation date should be consistent with others stated in the Act and that it should more accurately reflect the true market value of the land, i.e. after planning approval has been given. It was felt that if the present valuation date was kept it would be more advantageous for municipalities to accept land, rather than cash-in-lieu, and subsequently sell it for development purposes.

Consequently, there were numerous alternative valuation dates given. The most popular was the day on or after draft approval is granted. Of all the other suggestions, the day when the building permit is granted and the day of registration received most support.

Subsections (10) through (12) deal with the administration of cash-in-lieu funds. Response to these sections was light:

- in subsection (10) allow conveyed parkland to be sold for other than park and recreational purposes

- do not allow parkland to be sold at any time, and place a minimum time period for which it must be held

- allow cash-in-lieu to be used for the development and improvement of recreation lands

- ensure that cash-in-lieu is used for the purpose it was obtained, as some municipalities appear to abuse the Act's intention.

The 60-day period in which an applicant may ask the Minister to refer a refused draft plan to the O.M.B. in subsection (14) was considered too long by some respondents. A 30 or 28-day appeal period was felt to be more realistic amd more in keeping with other parts of the Act dealing with appeals. Also, it was suggested that subsection (17) include a similar period in which conditions may be referred to the O.M.B. and that school boards be added to those able to appeal conditions.

The Minister's authority to declare a subdivision to be of provincial interest, as provided for in subsection (15) drew little response. However, one submission felt that the authority should be limited to exceptional cases. Another felt that the circumstances in the present Act under which the Minister can refuse to refer a matter to the O.M.B. are better than the provisions in the draft Act, because case law exists on the present wording which also controls the Minister's discretion through the imposition of substantive qualification.

Concerning the registration of final plans, it was asked why, and under what circumstances, approval of a final plan would be withdrawn during the period between being finally approved but not registered, as provided for in subsection (21). The subsection was felt to be superfluous.

Section 53: Land Sales Offences by Unregistered Plan

Briefs submitted on this section identified two perceived problems:

- the section should be redrafted because the present wording appears to present a

legal problem in that the sale of property divided by consent on unsubdivided township lots would be prohibited, and

- the selling of lots in an unregistered plan of subdivision which has draft approval should not be permitted because draft approval does not guarantee ultimate approval or that a redesign of the lots will not occur. Also, prospective purchasers would be unable to gain title to draft approved lots.

Section 54: Consents

As was the case with plans of subdivision, many comments were made that consent applications should be subject to mandatory notification and hearing. Responses in favour outweighed those opposed by 7:1 and some made suggestions on the form notification should take:

- to all persons within 400 feet of the application site

- to all adjacent farmers

- at least, the posting of site notices should be required.

Because most briefs dealt specifically with each subsection, the few other general comments made on the Section were:

- change the word "consent" to "severance"

- require an application plan to be prepared by an Ontario Land Surveyor

- allow for conditions to be applied to remnant parcel as well as the severed parcel

- cross-reference this Section more clearly to subsection 50 on subdivision control.

The meaning of the word "council" in the third line of subsection (1) created some confusion in the responses. Because its meaning is defined in Section 50(1), it was suggested that words "as defined in Section 50(1)" be added immediately after the word "council".

One submission felt that subsection (2) should be extended to state that an agreement entered into as a condition of approval should be binding on subsequent owners. It was felt that the legislation was not clear enough on this point. Another submission commenting on subsections (2) and (4) stated that when a council delegates the consent authority to a council committee, care should be taken that a quorum provision is provided.

A number of municipal briefs commented on the valuation day stated in subsection (3) for which cash-in-lieu of parkland conveyance shall be estimated. They all felt that to value the land as of the day before the day of giving the consent was inconsistent with other Sections dealing with this matter and did not reflect the true value of the land. As in the corresponding subdivision plan subsection, most of the responses recommended that the day after consent approval or the day the final certificate is issued would be more suitable. One submission suggested it be the day after the day the conditions have been fulfilled and another the day when the building permit is issued.

Of the briefs received on subsections (4) and (5) which deal with the circulation of consent applications and the notification of consent decisions, most commented on the time periods allowed to carry out these procedures. There was some objection to the time allowed for circulated agencies to respond, being open-ended. It was suggested that a 30 day maximum should be specifically stated. Most objection, however, was to the 7 day period allowed for the notification of the decision. This was felt to be quite impractical, and it was suggested it be extended to 10 or 14 days. A few others felt that the period should be even longer.

As far as consent appeals are concerned, there seemed to be some doubt as to whether anyone other than the Minister, applicant or decision recipient could appeal a decision, and it was suggested that this be clarified. Two responses went further and said the right of appeal should not be restricted, subject to an appeal fee being paid which could be kept if an objector did not appear at the hearing.

Most comments on these Sections centred around the 28 day period within which appeals could be filed. There was a strong feeling that this could be reduced to 21 days if it started from the date of the mailing rather than the date of making of the decision as subsection (7) provides.

Of the few comments received on subsections (11) through (15), a school board stressed that subsection (11) should specifically state that boards be notified of any conditions proposed to be imposed on a consent. It recommended that a similar provision be included in subsection (14) dealing with the referral of conditions.

One response on this subject felt that the Minister should always be required to refer conditions to the O.M.B. when requested and that the Board should decide if a hearing will serve any useful purpose, not the Minister. Another brief stated that when consent authority is delegated to an upper-tier authority, it should not be responsible for referring matters to the O.M.B. because it would then be deciding whether to refer its own decision or not and could be biased. Lastly, some briefs suggested there be a time limit in which to make a request for referral to the Board. One response suggested 28 days.

There was mixed reaction to subsection (16) which gives the O.M.B. the authority to dismiss an appeal without a hearing where it is of the opinion that the reasons for appeal are insufficient. Some municipalities supported this Section outright whereas others, mainly representing the legal profession, made the following comments:

- if a hearing is refused, an appeal to the Minister for reconsideration should be available

- before dismissing an appeal, the O.M.B. should inform the appellant of the reasons and an opportunity given for the notice of appeal to be amended

- an appellant should be given an opportunity to be heard, possibly on motion, and to amend his Notice of Appeal

- dismissing an appeal will not be equitable for persons unable to afford legal counsel.

A "preliminary dismissal" should be first given so that an appellant would be given leave of appeal by giving additional reasons before a "final dismissal" is issued.

- any party should have the right to appeal on motion to dismiss a Notice of Appeal without full public hearing (perhaps upon showing prejudice by delay).

Finally on this subsection, the comment was made that "insufficient" in line 3 should be replaced by "of insufficient merit" in order to ensure this very broad power is exercised with the greatest of care.

Some responses felt strongly that subsection (18) should be amended to make the O.M.B. responsible for ensuring that conditions are fulfilled and issuing the certificate when the Board grants a consent and not the municipality. Another brief asked that the Section, and this subsection in particular, be clarified as to when the consent is actually granted. Confusion exists as to whether it is before the conditions are fulfilled or afterwards when the certificate is issued.

The intent and wording of subsections (20) through (22) which deal mainly with when a consent shall be deemed to be refused received comment. One brief pointed out that the word "refused" in subsection 20 should be replaced with "lapse" as this would then ensure that an appeal could not occur. However, the main comment on this subsection was that the period of 1 year in which a consent is deemed refused should be extended to 2 years because it is not only more reasonable but more consistent with subsection (22). Two responses

felt that provision should be made for the approving authority to extend the lapsing period and another felt that the period should simply be left to the discretion of the approving authority. Lastly, recommendations were made that the subsection (22) should provide for the lapsing period to start from the date of the written notice rather than the date of the certificate given under subsection (21).

Section 55: Council Delegation of Consents

In general, the section's provisions allowing council to delegate consent approval authority were supported, except for that part dealing with delegation to appointed officials. While there was no objection to delegating the authority to a committee of council or a land division committee, considerable objection was expressed to an appointed official being able to receive such authority.

The main reasons given were that to allow decisions by non-elected persons would make the process less accountable. Some responses referred to bias and conflict of interest being more likely to enter the system. Other responses qualified their objection, however, by recommending that delegation be permitted to "professional planners" as long as this term was defined in the Act.

Section 56: Duties of District Land Division Committees

There were no adverse comments made on this section.

Section 57: Duties of Land Division Committees

While little comment was made on this section, some responses felt that it was superfluous and could be

eliminated by incorporating into section 55 a clause that reads "the council may by by-law constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable."

Other comments addressed subsection (2). Two responses felt a reference to rules of procedure should be directly included in the section. Another respondent noted that there was a difference in the process when a consent is considered by a municipal council to that by a land division committee. As the legislation now stands all council's administrative responsibilities would be carried out by the municipal clerk but a land division committee must also appoint a secretary-treasurer even though the municipal clerk must issue all notices and final certifications. It was suggested that this duplication would be unnecessary if the reference to secretary-treasurer was replaced by "officer of the municipality".

Section 58: Validation

Only one submission commented on this section. Because title validation is permitted only up to March 19, 1973, it was felt that many registered owners after that date suffered financial and personal hardship and inconvenience. It was recommended that:

- the curative procedure allowing validation of title breaches be allowed to occur at any time and

- a summary method of validating defective conveyances be instituted.

PART VII: MISCELLANEOUS PROVISIONS

This final part draws together all the sections that apply to the planning system in general rather than specific instruments such as official plans or consents.

It is similar to the last part of the present Act dealing with general matters but expanded to include new provisions such as exemptions from The Statutory Powers Procedure Act, penalties for planning contraventions and the making of regulations.

Only one general comment was made on this part of the draft Act. It was suggested that a section, like section 43 of the present Act, be included which provides that a municipality, planning board or ratepayer may apply to restrain a breach of a by-law (or orders under section 19 and 32 of the present Act) by way of injunction. It was felt that such a remedy should be made available in addition to the penalty provisions in section 67.

Section 59: Municipal Act Applies to Land Acquisition

No comments.

Section 60: Power to Clear, Grade etc. Land

No comments.

Section 61: Exchange of Land

No comments.

Section 62: Statutory Powers Procedure Act Exemptions

There was a mixed response to this section which exempts the notification and public meeting procedures for official plans, community improvement plans and zoning by-laws conducted by municipal councils, or their delegates, from The Statutory Powers Procedures Act.

Of the respondents who agreed with the provisions, more than half also wanted the consent approval process specifically exempted. There appeared to be some confusion on this matter because while public meetings are not statutorily required for consents, such meetings can be held at the discretion of the approving authority. Therefore, some respondents wanted the situation clarified by exempting the consent process from The Statutory Powers Procedures Act, presumably to cover those situations where a consent application is subject to a public meeting.

Some other respondents identified concerns with the wording of the section:

- section 242b of The Municipal Act states that certain parts of The Statutory Powers Procedures Act apply to municipal meetings whereas this section of the draft Act says it does not. Clarify which takes precedence over the other.

- include more precise provisions that clearly establish proper procedures for municipal meetings so as not to leave them open to judicial interpretation.

- even though the draft Act is exempted from The Statutory Powers Procedures Act, the

> decisions of council may be subject to judicial review and the rules of natural justice. Therefore, include a provision deeming council planning decisions to be legislative.

Finally, one brief disagreed entirely with exempting these decision-making processes from The Statutory Powers Procedures Act because civil rights would be jeopardized. The respondent recommended that the legislation make the use of council committees mandatory for the conduct of all proceedings as enumerated in this section, and have the provisions of section 242b of The Municipal Act govern such proceedings.

Section 63: Ontario Hydro Exemption

Although two briefs supported Ontario Hydro's exemption from the Act, subject to it being required to consult with municipalities, the great majority of respondents to this section were flatly opposed to such exemption under any circumstances. Most of those qualifying their opposition recommended that Hydro should only be exempt for activities which were directly related to the supply and distribution of electricity while a few others felt that an exemption should only occur when an Environmental Assessment Act hearing is held.

Section 64: Unified Hearing

There was substantial opposition to this section which allows a planning application which is subject to The Environmental Assessment Act to be transferred by the Minister to the Environmental Assessment Board for decision.

Most responses felt that the O.M.B., with its greater experience and resources, would be a more appropriate body to conduct such a hearing than is the Environmental Assessment Board. One or two responses commented that if the Environmental Assessment Board was to conduct such hearings, the legislation should state that "The Planning Act provisions apply to the matter and shall be considered in the same manner as if the Minister of Housing was dealing with it."

Section 65: Effect of Municipal Board Approval

There were few submissions on this section. Those that did comment wanted the section classified to indicate whether it applies to any approval or consent, whether made by the O.M.B. or not.

Section 66: Effect of Delegates Approval

Few comments were made on this section and all supported its intent with the following qualifications:

- add a provision to the effect that decisions made by officials or committees under delegated authority may be appealed to council and the O.M.B. (to ensure that council retains the right to hear appeal on matters it has delegated) and

- add at the end "as long as the approval or consent conforms to a by-law passed under section 5(2)."

Section 67: Penalties

In general municipalities agreed to this section. although some recommended that in addition to a maximum fine, a minimum fine should also be included. Suggestions for the amount varied between $500 and $2,500.

Municipalities also made the following suggestions:

- provide a sliding scale of minimum penalties, prorated against the general cost on any work required due to a by-law contravention

- provide that a municipality may require that land be made back to its original condition that existed before the contravention

- fines should be paid directly to the municipality

- provide for the assigning of costs in addition to any fine imposed

- prescribe penalties for section 39 (site plan control)

- provide for a specific limitation period of one year for bringing prosecutions for by-law infringements.

Conversely, some briefs, mainly from the development industry, felt that the prescribed fines were too high

and should be reduced. While no specific amounts were suggested, comment was made that those proposed were too severe and that there should be no distinction made between a "person" and a "corporation".

Section 68: Assessment Act Disclosures

The few submissions received on this section identified two main areas of concern. Firstly, some respondents. felt the reference to "any person" in subsection (1) was too broad and should be limited to an employee of the municipality or planning board. Two briefs expressed concern on the penalties that may be imposed in subsection (2). There was a strong feeling that the maximum fine and maximum jail sentence are not of equivalent severity and recommended that the fine be increased and the jail sentence decreased.

Section 69: Development Standards

There was substantial opposition among municipalities and municipal organizations to this section which authorizes the Minister to issue regulations prescribing development standards from time to time.

The main reasons given for this opposition were:

- development standards should be related to local conditions and aspirations rather than determined provincially

- municipalities should determine their own standards consistent with their needs and zoning requirements

- the imposition of development standards

on municipalities represents an unwarranted intrusion into local planning activities

- prescribing development standards in regulations is over zealous and directly opposed to the principle of local autonomy

- there is adequate protection elsewhere in the legislation to allow the Minister to take action on development standards if necessary e.g. requiring amendments to official plans and zoning by-laws.

However, many of the briefs rejecting the principle of regulated development standards did qualify their opposition by recommending that the Province make general information on the subject available in policy statements or guidelines which municipalities could then adapt to local circumstances.

Some submissions did not flatly object to the issuance of such regulations as long as the Province consulted with municipalities and other interested parties during their preparation.

A few briefs, mostly from the building and consulting industry, supported this section. They felt that provincially prescribed development standards would establish more reasonably and consistently the terms on which development can take place, thus reducing costs and improving efficiency of the development industry. Some of these respondents also asked that consultation with all interested parties, not only municipalities, occur during the preparation of the regulation.

Section 70: Lieutenant Governor May Make Regulations

The general intention of this section, which provides for the issuance of regulations necessary for the implementation of the Act, was basically well received. The only concern was that provision should be made for regulations to be circulated for comment during their preparation although some respondents were opposed to the use of regulations, preferring that their content form part of the Act itself. One brief suggested the section could be eliminated by adding to section 3 that policy statements can be prepared " ... with other parties that the Minister considers appropriate such as municipalities."

In addition to these general comments, many more briefs commented on subsection (b) which deals with the charging of planning application fees. Numerous municipalities opposed the setting of maximum fees in a regulation, proposing that each municipality be allowed to set its own schedule of fees. A high majority of these respondents also requested that the fee schedule be based on a cost-recovery basis.

Also the following amendments were proposed for sub-section (b):

- replace "providing" with "establishing the procedure"

- when referring to the charging of a fee, reference should also be made to lot levies

- delete the clause "prescribing the maximum amount".

Section 71: Conflict with Other Acts

The following comments were made on this section:

- state that any other Act, including Regional or County Acts, which refer to The Planning Act be amended to reflect changes in the process and maintain present levels or responsibility

- clarify that The Planning Act will prevail over any other general or special Act dated prior to the new Planning Act

- state that The Niagara Escarpment Planning and Development Act shall prevail in the area of special provincial interest designated by the Act and its attendant regulations.

INDIVIDUALS (CONT'D)

Submission #	Received from	Date of Submission
24	Bruce MacNabb and Garth Aselford	Oct. 5, 1979 March 17, 1980
35	Lois K. Smith	Oct. 12, 1979
39	W. Riese	Oct. 23, 1979
54	I. D. Willis	Nov. 15, 1979
71	Dr. R. Sinha	Feb. 25, 1980
75	W. Brent Clarkson	Feb. 26, 1980
114	Art Bradford	March 20, 1980
132	Frances L. Crummer	March 24, 1980
144	R. W. Yungblut	Feb. 21, 1980
148	Barbara Greene	March 26, 1980
135	Paul M. L. Bruer	March 28, 1980
171	Robert C. Dahmer	March 31, 1980
178	Greg McFarlane	March 31, 1980
181	J. K. Schneider	March 29, 1980
183	B. Heidenreich	March 31, 1980
187	Allan Faris	March 24, 1980
193	Bob Clark	March 31, 1980
192	W. E. Mallory	March 31, 1980
191	Eldon P. Ray	March 28, 1980
190	Dr. Z. Betanski	March 28, 1980
189	B. S. Purdon	March 29, 1980
3	Mayor Gordon Dean	June 28, 1979
287	Dr. F. W. B. Van Bork	April 10, 1980
291	Diane Tolstoy	April 30, 1980
333	Lois James	July 25, 1979

RESIDENTS' ASSOCIATIONS

243	Pelissier Street Citizens Group, Dufferin-Goyeau Citizens Association, and Sally Stankov	March 31, 1980

RESIDENTS' ASSOCIATIONS

Submission #	Received from	Date of Submission
17	West Rouge Ratepayers' Association	Sept. 7, 1979 Nov. 21, 1980
27	South Rosedale Ratepayers' Association	Oct. 5, 1979
34	Swansea Area Ratepayers' Association	Nov. 15, 1979 March 25, 1980
83	Confederation of Resident & Ratepayer Associations	March 11, 1980 March 12, 1980
175	Glenwater Ratepayers' Association	March 27, 1980
267	Otty Lake Association	April 23, 1980
241	Annex Residents' Association	March 31, 1980
170	The Pickering Coalition of Community Associations	March 29, 1980
196	The Federation of Ontario Cottagers' Associations Incorporated	March 31, 1980

APPENDIX: SUBMISSIONS ON WHITE PAPER AND PLANNING ACT

REGIONAL AND DISTRICT MUNICIPALITIES

Submission #	Received from	Date of Submission
20	Regional Municipality of York	Sept. 18, 1979
22	Municipality of Metropolitan Toronto	June 7, 1979
43	Regional Municipality of Hamilton-Wentworth	Nov. 28, 1979
319	Regional Municipality of Waterloo	May 30, 1980
100	Regional Municipality of Peel	March 10, 1980
150	Regional Municipality of Sudbury	March 28, 1980
152	Regional Municipality of Niagara	March 27, 1980
155	Regional Municipality of Ottawa-Carleton	March 27, 1980
167	Regional Municipality of Haldimand-Norfolk	March 28, 1980
227	Regional Municipality of Durham	March 27, 1980
322	District Municipality of Muskoka	June 6, 1980
341	Regional Municipality of Halton	June 23, 1980
131	Restructured County of Oxford	March 27, 1980

COUNTIES

18	County of Lennox and Addington	Sept. 13, 1979 April 15, 1980
21	County of Victoria	Oct. 10, 1979 March 14, 1980
52	County of Simcoe	Dec. 19, 1979 June 20, 1980
176	County of Grey	March 31, 1980
184	County of Perth	March 20, 1980
225	County of Essex	April 2, 1980

COUNTIES (CONT'D)

Submission #	Received from	Date of Submission
219	United Counties of Stormont, Dundas and Glengarry	March 27, 1980
240	County of Lambton	April 8, 1980
259	County of Peterborough	April 15, 1980
285	County of Huron	April 29, 1980
312	County of Wellington	May 13, 1980
364	County of Bruce	Oct. 31, 1980
185	County of Prince Edward	March 25, 1980

LOCAL MUNICIPALITIES OUTSIDE REGIONS

7	Township of Pelee	June 14, 1979
23	Town of Dresden	Oct. 3, 1979
31	Township of Otonabee	Oct. 23, 1979 Feb. 26, 1980
37	City of Guelph	Nov. 8, 1979 March 18, 1980
38	Township of Ernestown	Nov. 19, 1979
14	Township of Medonte	Aug. 23, 1979 March 19, 1980
44	City of Sarnia	Nov. 30, 1979 April 10, 1980
45	Town of Chesley	Dec. 5, 1979
46	Township of Mara	Dec. 7, 1979
48	City of Barrie	Dec. 7, 1979
50	Town of Midland	Nov. 21, 1979
350	Village of Port Stanley	April 10, 1980
58	Township of Maryborough	Jan. 24, 1980
61	Township of Hamilton	Jan. 14, 1980
63	Township of Shuniah	Nov. 13, 1979
65	Township of McNab	Feb. 8, 1980
66	Township of Howard	Feb. 8, 1980

LOCAL MUNICIPALITIES OUTSIDE REGIONS (CONT'D)

Submission #	Received from	Date of Submission
68	Township of Albemarle	Feb. 19, 1980
69	City of Belleville	Feb. 19, 1980
73	Township of Sidney	May 27, 1980
74	Village of Thamesville	Feb. 4, 1980
76	Town of Hawkesbury	Feb. 26, 1980
78	Town of Kapuskasing	Feb. 13, 1980
79	Township of Chisholm	Feb. 22, 1980 March 28, 1980
80	Township of East Ferris	Feb. 21, 1980
81	Town of Trenton	March 5, 1980
85	Township of Peel	Feb. 8, 1980
88	Town of Kirkland Lake	March 12, 1980
93	City of Windsor	March 14, 1980
99	Township of Tosorontio	March 21, 1980
96	Township of Pittsburgh	March 26, 1980
106	City of Thunder Bay	April 1, 1980 April 30, 1980
149	City of Stratford	March 26, 1980
110	Town of Forest	March 27, 1980
351	Township of North Dumfries	July 22, 1980
120	Village of Tottenham	March 21, 1980
126	Township of Moore	March 19, 1980
128	Township of Brighton	March 24, 1980
136	Township of Innisfil	March 27, 1980
137	Town of Meaford	March 27, 1980
139	Town of Aylmer	March 27, 1980
140	City of Peterborough	March 25, 1980
141	Town of Alliston	March 21, 1980
142	Township of South Dumfries	March 19, 1980

LOCAL MUNICIPALITIES OUTSIDE REGIONS (CONT'D)

Submission #	Received from	Date of Submission
145	City of London	March 18, 1980
151	Township of Haldimand	March 26, 1980
173	Town of Wallaceburg	March 28, 1980
177	Township of West Luther	March 28, 1980
180	Township of Erin	March 28, 1980
226	Town of Picton	March 28, 1980
224	Town of Penetanguishene	March 26, 1980
223	City of Brantford	March 25, 1980
228	Township of Tay	April 2, 1980
222	Township of Ennismore	March 29, 1980
221	Township of Mono	March 31, 1980
220	Town of Lindsay	April 2, 1980
349	Town of Gananoque	July 17, 1980
261	Town of Goderich	April 16, 1980
230	Town of Tecumseh	March 27, 1980
237	Township of Westminister	April 7, 1980
248	Township of Douro	March 31, 1980
269	City of Pembroke	April 25, 1980
271	Town of Strathroy	April 23, 1980
274	Township of Fullarton	April 23, 1980
275	Township of Eramosa	April 23, 1980
284	City of Owen Sound	May 1, 1980
288	Township of Dysart et al	May 2, 1980
313	Town of Arnprior	May 22, 1980
331	City of Sault Ste. Marie	June 9, 1980
337	Township of Euphrasia	June 5, 1980
357	Town of Prescott	Aug. 6, 1980

MUNICIPALITIES WITHIN REGIONS

Submission #	Received from	Date of Submission
265	Town of Stoney Creek	March 28, 1980
19	Town of Ajax	Sept. 11, 1979
51	Borough of Etobicoke	Dec. 18, 1979 May 16, 1980
72	City of Thorold	Feb. 29, 1980
86	Borough of Scarborough	March 5, 1980
91	Town of Oakville	March 20, 1980
101	Township of Gloucester	March 18, 1980
124	Town of Halton Hills	March 28, 1980
125	City of Nepean	March 28, 1980
130	City of Burlington	March 20, 1980
147	Township of Goulbourn	March 18, 1980
153	Town of Bracebridge	March 26, 1980
159	Township of Perry	March 25, 1980
160	Town of Newmarket	March 27, 1980
163	Town of Milton	March 28, 1980
164	City of Vanier	March 28, 1980
166	Township of West Carleton	March 27, 1980
172	Town of Whitchurch-Stouffville	March 26, 1980
174	Town of Newcastle	March 27, 1980
218	Town of Whitby	March 27, 1980
217	Town of Ancaster	April 1, 1980
216	City of Hamilton	March 28, 1980
215	Town of Pickering	March 31, 1980
305	Township of Wilmot	May 16, 1980
213	Town of Dundas	April 2, 1980
212	Town of Markham	April 3, 1980
249	City of Oshawa	April 10, 1980
231	Town of East Gwillimbury	April 8, 1980

MUNICIPALITIES WITHIN REGIONS (CONT'D)

Submission #	Received from	Date of Submission
232	Township of Carling	April 3, 1980
233	Town of Lincoln	April 9, 1980
236	Town of Simcoe	March 31, 1980
239	City of Brampton	April 14, 1980
251	City of Kanata	April 9, 1980
255	City of Toronto	April 15, 1980
258	City of Cambridge	April 16, 1980
272	City of Ottawa	April 23, 1980
273	Town of Caledon	April 24, 1980
266	Township of Osgoode	April 24, 1980
286	Borough of York	April 28, 1980
297	Borough of East York	May 6, 1980
314	Township of Wellesley	May 26, 1980
315	Town of Richmond Hill	May 23, 1980
316	Township of King	May 28, 1980
317	City of Mississauga	May 27, 1980
320	Town of Pelham	May 29, 1980
326	City of Niagara Falls	June 6, 1980
119	City of Sudbury	March 27, 1980
339	City of St. Catharines	June 24, 1980
344	City of Kitchener	July 3, 1980
346	Township of Woolwich	July 17, 1980
363	City of Welland	Oct. 8, 1980
111	City of North York	March 25, 1980

COMMITTEES OF ADJUSTMENT

70	Borough of Etobicoke	Feb. 15, 1980
87	City of Ottawa	March 11, 1980

COMMITTEES OF ADJUSTMENT (CONT'D)

Submission #	Received from	Date of Submission
129	Region of Sudbury	March 21, 1980
165	City of Timmins	March 25, 1980
182	City of London	March 10, 1980
211	Borough of East York	March 31, 1980
77	Township of Sarnia	Feb. 25, 1980

LAND DIVISION COMMITTEES

90	Regional Municipality of Peel	Feb. 19, 1980
103	District of Muskoka	March 20, 1980
179	Regional Municipality of Niagara	March 26, 1980
210	County of Haliburton	March 31, 1980
242	County of Perth	March 26, 1980
335	County of Elgin	June 18, 1980

CONSERVATION AUTHORITIES

16	Long Point Region	Sept. 6, 1979
112	Metropolitan Toronto and Region	March 27, 1980
256	Grand River	April 15, 1980

SCHOOL BOARDS

1	Peterborough, Victoria, Northumberland and Newcastle R.C.S.S.B.	June 15, 1979
4	Essex County R.C.S.S.B.	July 17, 1979
5	Metropolitan Toronto S.B.	July 26, 1979
28	Victoria County B. of Ed.	Oct. 25, 1979
29	Borough of Scarborough B. of Ed.	Oct. 25, 1979
57	Town of Dryden B. of Ed.	Jan. 10, 1980
84	Region of Durham B. of Ed.	March 10, 1980

SCHOOL BOARDS (CONT'D)

Submission #	Received from	Date of Submission
109	Carleton B. of Ed.	March 19, 1980
115	Wellington County R.C.S.S.B.	
138	Waterloo County B. of Ed.	March 26, 1980
158	Metropolitan Toronto Separate School Board	April 3, 1980
209	Dufferin-Peel R.C.S.S.B.	March 28, 1980
208	York County B. of Ed.	March 27, 1980
207	Lincoln County B. of Ed.	March 31, 1980
238	York Region R.C.S.S.B.	April 3, 1980
257	Prince Edward County B. of Ed.	April 15, 1980
276	Region of Halton B. of Ed.	April 28, 1980
289	North of Superior District R.C.S.S.B.	May 2, 1980
293	Borough of East York B. of Ed.	May 6, 1980
294	Huron-Perth County R.C.S.S.B.	May 2, 1980
295	Lakehead District R.C.S.S.B.	
298	Elgin County B. of Ed.	May 7, 1980
299	Wellington County B. of Ed.	May 5, 1980
214	City of London B. of Ed.	May 8, 1980
300	Simcoe County R.C.S.S.B.	May 12, 1980
301	Northumberland and Newcastle B. of Ed.	May 13, 1980
307	Lennox and Addington County B. of Ed.	May 16, 1980
308	Cochrane-Iroquois Falls District R.C.S.S.B.	May 20, 1980
309	Manitoulin B. of Ed.	May 21, 1980
310	Kirkland Lake District R.C.S.S.B.	May 16, 1980
311	Kent County R.C.S.S.B.	May 20, 1980
321	Brant County B. of Ed.	June 5, 1980
323	City of Timmins B. of Ed.	June 2, 1980
325	Prescott and Russell County R.C.S.S.B.	May 30, 1980
328	Dufferin County B. of Ed.	June 5, 1980

SCHOOL BOARDS (CONT'D)

Submission #	Received from	Date of Submission
330	Perth County B. of Ed.	June 11, 1980
336	Lanark County B. of Ed.	June 16, 1980
340	Grey County B. of Ed.	June 25, 1980
347	Carleton R.C.S.S.B.	July 15, 1980
356	Frontenac-Lennox and Addington R.C.S.S.B.	July 18, 1980
360	Lincoln County R.C.S.S.B.	Sept. 23, 1980

PLANNING BOARDS AND COMMITTEES

8	City of Stratford P.B.	Aug. 14, 1979
9	Tri Town and Area P.B.	Aug. 3, 1979
25	Township of Sarnia Council and P.B.	Sept. 25, 1979
26	Tiny-Tay Peninsula P.B.	Oct. 11, 1979
47	Lambton County P.B.	Dec. 7, 1979
67	Huntsville Planning Committee	Feb. 15, 1980
98	Kingston Area P.B.	March 18, 1980
95	Nottawasaga P.B.	March 24, 1980
102	Port Hope P.B.	March 20, 1980
104	Orillia P.B.	March 21, 1980
122	Township of Kingston P.B.	March 27, 1980
107	City of Pembroke P.B.	March 25, 1980
168	County of Brant P.B.	March 28, 1980
206	Township of Bruce Planning Area Board	April 1, 1980
205	Goderich Area P.B.	March 27, 1980
204	Borough of East York P.B.	March 31, 1980
203	Township of Sarnia P.B.	March 28, 1980
202	Village of Lakefield P.B.	April 3, 1980
247	Township of Tosorontio P.B.	March 21, 1980
40	Milverton and Mornington P.B.	April 21, 1980

PLANNING BOARDS AND COMMITTEES (CONT'D)

Submission #	Received from	Date of Submission
264	Lakehead P.B.	April 18, 1980
268	Township of Osgoode P.B.	April 24, 1980
304	Hope Township P.B. and Council	May 20, 1980
306	Guelph and Suburban P.B.	May 15, 1980
334	Town of Listowel P.B.	June 20, 1980

DEVELOPMENT INDUSTRY

32	S.B. McLaughlin Associates Limited	Oct. 29, 1979
36	HUDAC Ontario	Nov. 2, 1979 April 11, 1980
49	Urban Development Institute	Dec. 7, 1979 April 11, 1980
116	Georgian Woods Estates Ltd.	March 20, 1980
134	Rice Construction Co.	March 28, 1980
161	HUDAC Ottawa	March 28, 1980
253	Canadian Committee of the International Council of Shopping Centres	April 14, 1980

PROFESSIONAL

15	J.J. Edmond Woods, Lawyer	Aug. 29, 1979
59	Northern Ontario Chapter of the Canadian Institute of Planners	Jan. 4, 1980
108	Greer, Galloway and Associates Ltd. Planners Engineers	March 28, 1980
118	Weir and Foulds, Barristers and Solicitors	
143	O. Gregory Anderson, Lawyer	March 25, 1980
146	D. L. Campbell, Lawyer	March 24, 1980
154	Real Property Subsection of the Canadian Bar Association - Ontario Branch	March 31, 1980
186	McCarthy and McCarthy, Barristers and Solicitors	March 31, 1980
201	Macpherson, Walker, Wright Associates Limited/Planning Consultants	March 31, 1980

PROFESSIONAL (CONT'D)

Submission #	Received from	Date of Submission
200	Canadian Environmental Law Association	March 31, 1980
252	N. R. H. Young, Q.C.	April 10, 1980
250	Municipal Planners: Regional Municipality of Waterloo	April 8, 1980
277	James F. MacLaren Limited, Consulting Engineers, Planners and Scientists	April 30, 1980
270	Ontario Association of Planners	April 24, 1980
53	Ontario Association of Architects	Nov. 27, 1979 April 3, 1980
113	Law Association for the District of Parry Sound	Jan. 19, 1980
121	Association of Ontario Land Surveyors	March 27, 1980
133	Appraisal Institute of Canada - Ontario Association	March 28, 1980
327	Jeffery & Jeffery, Barristers & Solicitors	June 11, 1980
359	Ross & McBride, Barristers & Solicitors	Sept. 10, 1980
332	Professor J. G. W. Manzig	June 13, 1980
361	County of Carleton Law Association	Sept. 30, 1980

OTHER ASSOCIATIONS AND GROUPS

30	Niagara South Federation of Agriculture	Oct. 17, 1979 April 21, 1980
56	Outreach Niagara	Jan. 10, 1980
97	Ontario Federation of Agriculture	March 25, 1980
33	Centennial Community and Recreation Association	Nov. 14, 1979
60	Canadian National	Dec. 12, 1980
55	Ontario Association of School Business Officials	Jan. 3, 1980
260	Lakehead Social Planning Council	March 31, 1980
82	London Chamber of Commerce	March 7, 1980
94	The Social Planning and Research Council of Hamilton and District	March 5, 1980

OTHER ASSOCIATIONS AND GROUPS (CONT'D)

Submission #	Received from	Date of Submission
92	Sudbury-Manitoulin Social Services Council	March 4, 1980
105	Hospital Council of Metropolitan Toronto	March 17, 1980
117	Peterborough Architectural Conservation Advisory Committee	March 20, 1980
244	Toronto Field Naturalists' Club	March 24, 1980
123	Stratford Public Utility Commission	March 24, 1980
127	Ontario Petroleum Association	March 28, 1980
303	Bell Canada	May 16, 1980
156	Ontario Building Officials Association Inc.	March 25, 1980
157	Ontario Cable Telecommunications Association	March 25, 1980
162	Ontario Association of Property Standards Officers	March 27, 1980
338	Ontario Association for the Mentally Retarded	June 27, 1980
199	Voluntary Social Planning Agencies in Ontario - Ontario Welfare Council	March 31, 1980
198	Social Planning Council of Metropolitan Toronto	March 31, 1980
197	Toronto Redevelopment Advisory Council	April 1, 1980
324	Social Planning Council of Peel	June 2, 1980
195	Association of Women Electors of the Kingston Area	April 11, 1980
234	Provincial (Ont.) Association of Committees of Adjustment and Land Division Committees	April 9, 1980
235	The Ontario Federation for the Physically Handicapped	March 26, 1980
342	Greater Barrie Chamber of Commerce	June 23, 1980
262	Association of Ontario Land Economists	March 25, 1980
10	Ontario Association of Fire Chiefs	Aug. 20, 1979 Feb. 11, 1980
188	Coalition on the Niagara Escarpment	March 31, 1980
292	The Board of Trade of Metropolitan Toronto	April 30, 1980
302	Outdoor Advertising Association of Canada	May 20, 1980

OTHER ASSOCIATIONS AND GROUPS (CONT'D)

Submission #	Received from	Date of Submission
318	Social Planning Council of Oshawa-Whitby	May 8, 1980
343	Canadian Institute of Public Real Estate Companies	June 26, 1980
254	Owen Sound Downtown Business Professional Association	April 4, 1980
345	Toronto Jewish Congress	July 7, 1980
358	Mobile Advertising Media Sign Association	Aug. 27, 1980
362	Ottawa Board of Trade	Sept. 1980
	ACADEMIC INSTITUTIONS	
194	University of Ottawa	April 1, 1980
245	Ryerson Polytechnical Institute	March 31, 1980
246	University of Toronto	March 27, 1980
	MUNICIPAL ASSOCIATIONS	
11	Municipal Engineers Association	Aug. 14, 1979 Jan. 2, 1980
229	Association of Municipalities of Ontario	April 10, 1980
169	Association of Counties and Regions of Ontario	March 31, 1980
42	Rural Ontario Municipal Association Planning Committee	Dec. 3, 1979 Oct. 17, 1980
329	Association of Municipal Clerks and Treasurers of Ontario	May 30, 1980
	INDIVIDUALS	
2	George Kerr	June 18, 1979
6	L. Wayne Morgan	June 18, 1979 March 20, 1980
12	Richard Preston	Aug. 20, 1979
13	Rudolf Herrmann	Aug. 18, 1979
41	H. L. Donnell	Nov. 12, 1979

INDIVIDUALS (CONT'D)

Submission #	Received from	Date of Submission
24	Bruce MacNabb and Garth Aselford	Oct. 5, 1979 March 17, 1980
35	Lois K. Smith	Oct. 12, 1979
39	W. Riese	Oct. 23, 1979
54	I. D. Willis	Nov. 15, 1979
71	Dr. R. Sinha	Feb. 25, 1980
75	W. Brent Clarkson	Feb. 26, 1980
114	Art Bradford	March 20, 1980
132	Frances L. Crummer	March 24, 1980
144	R. W. Yungblut	Feb. 21, 1980
148	Barbara Greene	March 26, 1980
135	Paul M. L. Bruer	March 28, 1980
171	Robert C. Dahmer	March 31, 1980
178	Greg McFarlane	March 31, 1980
181	J. K. Schneider	March 29, 1980
183	B. Heidenreich	March 31, 1980
187	Allan Faris	March 24, 1980
193	Bob Clark	March 31, 1980
192	W. E. Mallory	March 31, 1980
191	Eldon P. Ray	March 28, 1980
190	Dr. Z. Betanski	March 28, 1980
189	B. S. Purdon	March 29, 1980
3	Mayor Gordon Dean	June 28, 1979
287	Dr. F. W. B. Van Bork	April 10, 1980
291	Diane Tolstoy	April 30, 1980
333	Lois James	July 25, 1979

RESIDENTS' ASSOCIATIONS

243	Pelissier Street Citizens Group, Dufferin-Goyeau Citizens Association, and Sally Stankov	March 31, 1980

RESIDENTS' ASSOCIATIONS

Submission #	Received from	Date of Submission
17	West Rouge Ratepayers' Association	Sept. 7, 1979 Nov. 21, 1980
27	South Rosedale Ratepayers' Association	Oct. 5, 1979
34	Swansea Area Ratepayers' Association	Nov. 15, 1979 March 25, 1980
83	Confederation of Resident & Ratepayer Associations	March 11, 1980 March 12, 1980
175	Glenwater Ratepayers' Association	March 27, 1980
267	Otty Lake Association	April 23, 1980
241	Annex Residents' Association	March 31, 1980
170	The Pickering Coalition of Community Associations	March 29, 1980
196	The Federation of Ontario Cottagers' Associations Incorporated	March 31, 1980

Ministry of Municipal Affairs and Housing

The Honourable Claude F. Bennett, Minister
Richard Dillon, Deputy Minister
Wojciech Wronski, Assistant Deputy Minister
Community Planning
John Bell, Q.C., General Counsel

Local Planning Policy Branch

G. Keith Bain, Director
Gerald Fitzpatrick, Manager, Policy Section
Paul Featherstone, Senior Planner
Michael Hiscott, Senior Planner
Evan Wood, Senior Planner

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